

JAN 25 2016

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DAVID SOLORZANO-MONROY, a.k.a.
Daniel Becerra, a.k.a. Daniel Ramirez,
a.k.a. David Monroy Solorzano,

Defendant - Appellant.

No. 14-50401

D.C. No. 2:14-cr-00313-JFW

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
John F. Walter, District Judge, Presiding

Submitted January 20, 2016**

Before: CANBY, TASHIMA, and NGUYEN, Circuit Judges.

David Solorzano-Monroy appeals from the district court's judgment and challenges the 27-month sentence imposed following his guilty-plea conviction for being an illegal alien found in the United States following deportation, in violation

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

of 8 U.S.C. § 1326. Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Solorzano-Monroy's counsel has filed a brief stating that there are no grounds for relief, along with a motion to withdraw as counsel of record. We have provided Solorzano-Monroy the opportunity to file a pro se supplemental brief. No pro se supplemental brief or answering brief has been filed.

Solorzano-Monroy waived his right to appeal his sentence, with the exception of the court's calculation of his criminal history category. Our independent review of the record pursuant to *Penson v. Ohio*, 488 U.S. 75, 80 (1988), discloses no arguable grounds for relief as to the criminal history category calculated by the court. We therefore affirm as to that issue. We dismiss the remainder of the appeal in light of the valid appeal waiver. *See United States v. Watson*, 582 F.3d 974, 988 (9th Cir. 2009).

Counsel's motion to withdraw is **GRANTED**.

AFFIRMED in part; DISMISSED in part.