

FILED

JUL 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NOT FOR PUBLICATION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.

JOHN PENITANI,

Defendant-Appellant.

No. 15-10394

D.C. No.

1:13-cr-00653-SOM-1

MEMORANDUM*

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

JOHN PENITANI,

Defendant-Appellant.

No. 15-10410

D.C. No.

1:13-cr-00514-SOM-3

Appeal from the United States District Court
for the District of Hawaii
Susan Oki Mollway, Chief Judge, Presiding

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

Submitted July 21, 2016**

Before: HUG, FARRIS, and CANBY, Circuit Judges.

John Penitani appeals from the district court's judgments and challenges his guilty-plea convictions and concurrent 168-month sentences for one count of conspiracy to possess with intent to distribute in excess of 50 grams of methamphetamine and another count of conspiracy to distribute and possess with intent to distribute 50 grams or more of methamphetamine, all in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(A), and 846. Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Penitani'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 Penitani the opportunity to file a pro se supplemental brief. No pro se supplemental brief or answering brief has been filed.

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 Penitani's convictions. We accordingly affirm his convictions.

Penitani has waived his right to appeal his sentences. Because the record discloses no arguable issue as to the validity of the appeal waiver, we dismiss the

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

appeals as to his sentences. *See United States v. Watson*, 582 F.3d 974, 986-88 (9th Cir. 2009).

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

AFFIRMED in part; **DISMISSED** in part.