

FILED

APR 11 2017

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NOT FOR PUBLICATION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.

EDWARD DIAZ, a.k.a. Bouncer,

Defendant-Appellant.

No. 15-50081

D.C. No.

2:13-cr-00401-SJO-1

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
S. James Otero, District Judge, Presiding

Submitted April 7, 2017**

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

Edward Diaz appeals from the district court's judgment and challenges his guilty-plea conviction and 136-month sentence for distribution of methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(A)(viii).

Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Diaz's counsel has filed a

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

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

brief stating that there are no grounds for relief, along with a motion to withdraw as counsel. We have provided Diaz the opportunity to file a pro se supplemental brief. No pro se supplemental brief or answering brief has been filed.

Diaz waived his right to appeal his conviction, with the exception of an appeal based on a claim that his plea was involuntary. He also waived the right to appeal his sentence. 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 voluntariness of Diaz's plea. We therefore affirm as to that issue. We dismiss the remainder of the appeal in light of the valid appeal waivers. *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.