

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

DEC 3 2018

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

AARON CHAVEZ, a.k.a. Aaron Chavez-  
Muniz, a.k.a. Angel Martinez, a.k.a. Angel  
Ulloa, a.k.a. Angel Ulloa-Martinez,

Defendant-Appellant.

No. 17-50372

D.C. No. 8:16-cr-00141-DOC

MEMORANDUM\*

Appeal from the United States District Court  
for the Central District of California  
David O. Carter, District Judge, Presiding

Submitted November 27, 2018\*\*

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

Aaron Chavez appeals from the district court's judgment and challenges his guilty-plea conviction and 120-month sentence for distribution of methamphetamine, in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(A)(viii).

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

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\* 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).

a brief stating that there are no grounds for relief, along with a motion to withdraw as counsel of record. Chavez has filed a pro se supplemental brief; the government has filed an answering brief; and Chavez has filed a reply brief.

Chavez waived his right to appeal his conviction, with the exception of an appeal based on a claim that his plea was involuntary. Our independent review of the record pursuant to *Penon v. Ohio*, 488 U.S. 75, 80 (1988), discloses no arguable grounds for relief as to the voluntariness of Chavez's plea. We therefore affirm as to that issue and dismiss the remainder of the appeal of the conviction in light of the valid appeal waiver. *See United States v. Watson*, 582 F.3d 974, 988 (9th Cir. 2009).

Our independent review of the record discloses no arguable grounds for relief on direct appeal as to Chavez's sentence, with the exception of three supervised release conditions. We therefore affirm the sentence except as to standard conditions five, six, and fourteen, which were held to be unconstitutionally vague after the district court sentenced Chavez. *See United States v. Evans*, 883 F.3d 1154, 1162-64 (9th Cir.), *cert. denied*, 2018 WL 2726034 (U.S. Oct. 1, 2018) (No. 17-9208). We remand for the district court to modify these conditions consistent with our opinion in *Evans*.

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

**AFFIRMED in part; DISMISSED in part; REMANDED with instructions.**