

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAY 1 2024

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DANIEL PERALTA VENTURA,

Defendant - Appellant.

No. 23-2653

D.C. No.

2:22-cr-00707-MTL-1

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Michael T. Liburdi, District Judge, Presiding

Submitted April 22, 2024**

Before: CALLAHAN, LEE, and FORREST, Circuit Judges.

Daniel Peralta Ventura appeals from the district court's judgment and challenges his guilty-plea conviction and 48-month sentence for possession with intent to distribute methamphetamine, in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(B)(viii). Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Peralta

* 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).

Ventura'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 Peralta Ventura the opportunity to file a pro se supplemental brief. No pro se supplemental brief or answering brief has been filed.

Peralta Ventura waived his right to appeal his conviction and sentence. Our independent review of the record pursuant to *Penon v. Ohio*, 488 U.S. 75, 80 (1988), discloses no arguable issue as to the validity of the waiver. *See United States v. Watson*, 582 F.3d 974, 986-88 (9th Cir. 2009). We accordingly dismiss the appeal. *See id.* at 988.

We remand the case to the district court with instructions to correct the written judgment to reflect the correct statutory citation for the offense of conviction, 21 U.S.C. § 841(b)(1)(B)(viii).

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

DISMISSED; REMANDED to correct the judgment.