

JAN 19 2012

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NOT FOR PUBLICATION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.

MARCOS GONZALEZ ROMERO, a.k.a.
Marco Romero Gonzalez, a.k.a. Guadalupe
Ramirez, a.k.a. Tortas,

Defendant - Appellant,

No. 10-50586

D.C. No. 2:09-cr-00445-DSF

MEMORANDUM*

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

Submitted January 17, 2012**

Before: LEAVY, TALLMAN, and CALLAHAN, Circuit Judges.

Marcos Gonzalez Romero appeals from the 291-month sentence imposed following his guilty-plea conviction for Racketeer Influenced and Corrupt Organizations conspiracy, in violation of 18 U.S.C. § 846, § 1962(d); conspiracy to

* 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).

possess with intent to distribute and distribute methamphetamine, in violation 21 U.S.C. §§ 846, 841(a)(1); and possession with intent to distribute a controlled substance, in violation of 21 U.S.C. § 841(a)(1). Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Gonzalez Romero's counsel has filed a brief stating there are no grounds for relief, along with a motion to withdraw as counsel of record. We have provided the appellant with the opportunity to file a pro se supplemental brief. No pro se supplemental brief or answering brief has been filed.

Gonzalez Romero waived his right to appeal his sentence with the exception of conditions of certain supervised release. Our independent review of the record pursuant to *Penson v. Ohio*, 488 U.S. 75, 80-81 (1988), discloses no arguable grounds for relief as to defendant's conviction or the conditions of supervised release, and indicates that the appeal waiver is valid. We dismiss the appeal of the sentence in part. *See United States v. Nguyen*, 235 F.3d 1179, 1182 (9th Cir. 2000).

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

AFFIRMED in part and DISMISSED in part.