

DEC 06 2013

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NOT FOR PUBLICATION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.

DAVID JIMENEZ-PEDROZA, a.k.a.
Oscar Manuel Guerrero,

Defendant - Appellant.

No. 12-50483

D.C. No. 2:10-cr-00370-DMG

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Dolly M. Gee, District Judge, Presiding

Submitted November 19, 2013**

Before: CANBY, TROTT, and THOMAS, Circuit Judges.

David Jimenez-Pedroza appeals from the district court’s judgment and challenges his guilty-plea conviction and 235-month sentence for conspiracy to possess with intent to distribute methamphetamine, in violation of 21 U.S.C.

* 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).

§§ 841(a)(1), (b)(1)(A); and 846. Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Jimenez-Pedroza's counsel has filed a brief stating that there are no grounds for relief, along with a motion to withdraw as counsel of record. Jimenez-Pedroza has filed a pro se supplemental brief and the government has filed a motion to dismiss the appeal.

Jimenez-Pedroza waived the 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 most aspects of his sentence, as long as his sentence did not exceed 25 years. 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 Jimenez-Pedroza's plea or any aspects of the sentence not covered by the appeal waiver. We therefore affirm as to those issues. We grant the government's motion in part and dismiss the remainder of the appeal in light of the valid appeal waiver. *See United States v. Watson*, 582 F.3d 974, 988 (9th Cir. 2009).

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

AFFIRMED in part; DISMISSED in part.