

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

JUN 18 2014

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

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JESUS GUADALUPE LOPEZ-NUNEZ,

Defendant - Appellant.

No. 13-10493

D.C. No. 2:13-cr-00540-NVW

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
James G. Carr, District Judge, Presiding**

Submitted June 12, 2014***

Before: McKEOWN, WARDLAW, and M. SMITH, Circuit Judges.

Jesus Guadalupe Lopez-Nunez appeals from the district court's judgment
and challenges the 37-month sentence imposed following his guilty-plea

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The Honorable James G. Carr, Senior United States District Judge for the Northern District of Ohio, sitting by designation.

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

conviction for reentry of a removed alien, in violation of 8 U.S.C. § 1326.

Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Lopez-Nunez'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 Lopez-Nunez the opportunity to file a pro se supplemental brief. No pro se supplemental brief or answering brief has been filed.

Lopez-Nunez has waived his 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 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.

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

DISMISSED.