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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NOT FOR PUBLICATION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.

BENJAMIN JOSHU LOWENSTEIN,

Defendant - Appellant.

No. 14-10044

D.C. No. 2:12-cr-01419-DGC

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
David G. Campbell, District Judge, Presiding

Submitted November 18, 2015**

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

Benjamin Joshu Lowenstein appeals from the district court's judgment and challenges the 18-month sentence imposed following his guilty-plea conviction for conspiracy to manufacture and distribute a mixture or substance containing a controlled substance analogue, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(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).

and 846. Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Lowenstein'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 Lowenstein the opportunity to file a pro se supplemental brief. No pro se supplemental brief or answering brief has been filed.

Lowenstein 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.