

FEB 21 2017

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NOT FOR PUBLICATION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.

NOE RAUL MARTINEZ-LABORIN,
a.k.a. Raul Martinez-Laborin, a.k.a. Raul
Noe Martinez-Laborin,

Defendant-Appellant.

No. 16-10183

D.C. No. 4:15-cr-02134-CKJ

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Cindy K. Jorgenson, District Judge, Presiding

Submitted February 14, 2017**

Before: GOODWIN, FARRIS, and FERNANDEZ, Circuit Judges.

Noe Raul Martinez-Laborin appeals from the district court's judgment and challenges his guilty-plea conviction and 37-month sentence for reentry of a removed alien, in violation of 8 U.S.C. § 1326. Pursuant to *Anders v. California*,

* 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).

386 U.S. 738 (1967), Martinez-Laborin's counsel has filed a brief stating that there are no grounds for relief, along with a motion to withdraw as counsel of record. Martinez-Laborin has filed a pro se supplemental brief. No answering brief has been filed.

Martinez-Laborin waived his right to appeal his conviction and 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.