

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

JAN 19 2018

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

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

EDUARDO ROBLES LUZANIA,

Defendant-Appellant.

No. 16-10451

D.C. No. 2:15-cr-01548-DJH

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Diane J. Humetewa, District Judge, Presiding

Submitted January 16, 2018**

Before: REINHARDT, TROTT, and HURWITZ, Circuit Judges.

Eduardo Robles Luzania appeals from the district court's judgment and challenges his guilty-plea convictions and 110-month concurrent sentences for conspiracy to distribute cocaine and possession with intent to distribute methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(A)(ii),

* 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).

(b)(1)(B)(viii), and 846, and conspiracy to launder monetary instruments, in violation of 18 U.S.C. § 1956(h). Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Luzania'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 Luzania the opportunity to file a pro se supplemental brief. No pro se supplemental brief or answering brief has been filed.

Luzania 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.

We remand the case to the district court with instructions to correct the judgment to reflect that the concurrent term of supervised release on Count Three, a Class C felony, is three years.

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

DISMISSED; REMANDED to correct the judgment.