

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

OCT 27 2017

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

No. 17-10043

Plaintiff-Appellee,

D.C. No. 2:16-cr-00297-DJH

v.

MEMORANDUM*

MERLE BRANDON MARTIN,

Defendant-Appellant.

Appeal from the United States District Court
for the District of Arizona

Diane J. Humetewa, District Judge, Presiding

Submitted October 23, 2017**

Before: LEAVY, WATFORD, and FRIEDLAND, Circuit Judges.

Merle Brandon Martin appeals from the district court's judgment and challenges his guilty-plea conviction and the 30-month sentence imposed for assault resulting in serious bodily injury, in violation of 18 U.S.C. §§ 1153 and 113(a)(6). Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Martin's

* 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).

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 Martin the opportunity to file a pro se supplemental brief. No pro se supplemental brief or answering brief has been filed.

Martin 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.