

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUL 12 2018

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

JESUS HUMBERTO BALLESTEROS-
YANEZ, a.k.a. Humberto Ballesteros-
Yanez,

Defendant-Appellant.

Nos. 17-10381
17-10382

D.C. Nos. 4:10-cr-03153-DCB
4:17-cr-00701-DCB

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
David C. Bury, District Judge, Presiding

Submitted July 10, 2018**

Before: CANBY, W. FLETCHER, and CALLAHAN, Circuit Judges.

In these consolidated appeals, Jesus Humberto Ballesteros-Yanez appeals his guilty-plea conviction and 30-month sentence for possession with intent to distribute less than 50 kilograms of marijuana, in violation of 21 U.S.C.

* 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).

§ 841(a)(1), (b)(1)(D), and the revocation of supervised release and consecutive 18-month sentence imposed upon revocation. Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Ballesteros-Yanez'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 construe the letter submitted by Ballesteros-Yanez on May 21, 2018, as a pro se supplemental brief. No answering brief has been filed.

Ballesteros-Yanez waived his right to appeal his conviction, the revocation of supervised release, and his sentences. 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 waivers. See *United States v. Watson*, 582 F.3d 974, 986-88 (9th Cir. 2009). We accordingly dismiss these appeals. See *id.* at 988.

We decline to address on direct appeal Ballesteros-Yanez's pro se claim of ineffective assistance of counsel. See *United States v. Rahman*, 642 F.3d 1257, 1259-60 (9th Cir. 2011).

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

DISMISSED.