

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAR 18 2019

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

ALONSO RANGEL-VILLA, a.k.a. Alonso
Rangel, a.k.a. Obe Alonso Rangel-Villa,
a.k.a. Alonso Rangel Villa,

Defendant-Appellant.

No. 17-10423

D.C. No. 2:17-cr-00746-GMS

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
G. Murray Snow, Chief Judge, Presiding

Submitted March 12, 2019**

Before: LEAVY, BEA, and N.R. SMITH, Circuit Judges.

Alonso Rangel-Villa appeals from the district court's judgment and challenges the 46-month sentence imposed following his guilty-plea conviction for reentry of a removed alien, in violation of 8 U.S.C. § 1326. Pursuant to *Anders v.*

* 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).

California, 386 U.S. 738 (1967), Rangel-Villa'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 Rangel-Villa the opportunity to file a pro se supplemental brief. No pro se supplemental brief or answering brief has been filed.

Rangel-Villa waived his right to appeal his conviction and sentence. Our independent review of the record pursuant to *Penon v. Ohio*, 488 U.S. 75, 80 (1988), discloses no arguable issue as to the validity of the waiver.¹ *See United States v. Watson*, 582 F.3d 974, 986-88 (9th Cir. 2009). We accordingly dismiss the appeal. *See id.* at 988.

On October 17, 2018, Rangel-Villa submitted volume III of the excerpts of record provisionally under seal, accompanied by a notice of intent to file that volume publicly pursuant to Interim Ninth Circuit Rule 27-13(f). No other party has filed a motion to file or maintain that volume under seal. Accordingly, the Clerk shall publicly file the notice, the *Anders* brief, and all three volumes of the excerpts of record.

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

DISMISSED.

¹ The record demonstrates that Rangel-Villa's plea was knowing and voluntary. Contrary to the arguments Rangel-Villa made in the district court, his sentence does not violate the Ex Post Facto Clause. *See United States v. Guzman-Bruno*, 27 F.3d 420, 422-23 (9th Cir. 1994).