

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

AUG 20 2018

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

J. MARCOS PANIAGUA-VIEYRA, a.k.a.
Marcontoni Paniagua, a.k.a. Juan Marco
Paniagua-Vieyra, a.k.a. Juan Marcos
Paniagua-Vieyra,

Defendant-Appellant.

No. 17-10552

D.C. No. 2:17-cr-01268-SPL

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Steven P. Logan, District Judge, Presiding

Submitted August 15, 2018**

Before: FARRIS, BYBEE, and N.R. SMITH, Circuit Judges.

J. Marcos Paniagua-Vieyra appeals from the district court's judgment and challenges his guilty-plea conviction and 12-month sentence for attempted 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), Paniagua-Vieyra’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 Paniagua-Vieyra the opportunity to file a pro se supplemental brief. No pro se supplemental brief or answering brief has been filed.

Paniagua-Vieyra 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 the correct offense of conviction, attempted reentry of a removed alien.

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

DISMISSED; REMANDED to correct the judgment.