

NOT FOR PUBLICATION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,

No. 17-10554

Plaintiff-Appellee,

D.C. No. 2:16-cr-00506-DGC-2

v.

MEMORANDUM*

DANIEL LUIS VALENTIN,

Defendant-Appellant.

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

David G. Campbell, District Judge, Presiding

Submitted March 12, 2019**

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

Daniel Luis Valentin appeals from the district court's judgment and challenges his guilty-plea conviction and 18-month sentence for conspiracy to distribute a controlled substance analogue, in violation of 21 U.S.C. §§ 813, 841(a)(1), 841(b)(1)(C), and 846. Pursuant to *Anders v. California*, 386 U.S. 738

* 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).

(1967), Valentin's counsel has filed a brief stating that there are no grounds for relief, along with a motion to withdraw as counsel of record. Valentin has filed a pro se supplemental brief. No answering brief has been filed.

Our independent review of the record pursuant to *Penon v. Ohio*, 488 U.S. 75, 80 (1988), discloses no arguable grounds for relief as to Valentin's conviction. We accordingly affirm Valentin's conviction.

Valentin waived the right to appeal his sentence. Because the record discloses no arguable issue as to the validity of the sentencing waiver, we dismiss Valentin's appeal as to his sentence. *See United States v. Watson*, 582 F.3d 974, 986-88 (9th Cir. 2009).

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

The Clerk shall serve this disposition on Valentin individually both at Reg. No. 60688-408, Residential Reentry Office, 230 N. First Avenue, Suite 405, Phoenix, AZ 85003, as well as the address that was provided to the court at Docket Entry No. 30.

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

AFFIRMED in part; DISMISSED in part.