

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

SEP 23 2019

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

JUAN HERIBERTO MURILLO-MACIAS,
AKA Juan Heriberto Murillo Macias,

Defendant-Appellant.

Nos. 18-10380
18-10381

D.C. Nos. 4:17-cr-01703-RM-DTF
4:14-cr-00256-RM-DTF

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Rosemary Márquez, District Judge, Presiding

Submitted September 18, 2019**

Before: FARRIS, TASHIMA, and NGUYEN, Circuit Judges.

In these consolidated appeals, Juan Heriberto Murillo-Macias appeals from his guilty-plea conviction and 30-month sentence for reentry of a removed alien, in violation of 8 U.S.C. § 1326, and the revocation of supervised release and consecutive 9-month sentence imposed upon revocation. 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), Murillo-Macias'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 Murillo-Macias the opportunity to file a pro se supplemental brief. No pro se supplemental brief or answering brief has been filed.

Murillo-Macias waived his right to appeal his reentry conviction and 30-month sentence. Because the record discloses no arguable issue as to the validity of the waiver, we dismiss appeal no. 18-10380. *See United States v. Watson*, 582 F.3d 974, 986-88 (9th Cir. 2009).

Our independent review of the record pursuant to *Penson v. Ohio*, 488 U.S. 75, 80 (1988), discloses no arguable grounds for relief with respect to the revocation of supervised release or the sentence imposed upon revocation. We therefore affirm the judgment in appeal no. 18-10381.

Appellee's motion for leave to file its late letter is **GRANTED**.

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

Appeal No. 18-10380 DISMISSED; Appeal No. 18-10381 AFFIRMED.