

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

DEC 15 2023

FOR THE NINTH CIRCUIT

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

LUIS ALBERTO BAUTISTA,

No. 18-15471

Petitioner-Appellant,

D.C. No. 2:17-cv-00532-DLR

v.

MEMORANDUM\*

RYAN THORNELL, Director of the Arizona  
Department of Corrections; ATTORNEY  
GENERAL FOR THE STATE OF  
ARIZONA,

Respondents-Appellees.

Appeal from the United States District Court  
for the District of Arizona  
Douglas L. Rayes, District Judge, Presiding

Submitted December 12, 2023\*\*

Before: WALLACE, LEE, and BUMATAY, Circuit Judges.

Luis Alberto Bautista appeals from the district court's judgment denying his 28 U.S.C. § 2254 habeas petition. Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Bautista's counsel has filed a brief stating that there are no grounds for

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\* 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).

relief, along with a motion to withdraw as counsel of record. We have provided Bautista the opportunity to file a pro se supplemental brief. No pro se supplemental brief or answering brief has been filed.

Bautista's motion for judicial notice of the special verdict in his underlying criminal proceeding is granted. *See Trigueros v. Adams*, 658 F.3d 983, 987 (9th Cir. 2011).

Our independent review of the briefing and record pursuant to *Penson v. Ohio*, 488 U.S. 75, 80 (1988), discloses that the certified issues provide no basis for appellate relief. *See Graves v. McEwen*, 731 F.3d 876, 880-81 (9th Cir. 2013).

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

**AFFIRMED.**