

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

SEP 11 2020

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

SAMUEL MARKS HUMPHREY, AKA
Eddie Joe Alston, AKA Leon Archie, AKA
Michael Gordy, AKA Kenneth Smith,

Defendant-Appellant.

No. 19-50326

D.C. No. 3:17-cr-03013-GPC-1

MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
Gonzalo P. Curiel, District Judge, Presiding

Submitted September 8, 2020**

Before: SCHROEDER, TASHIMA, and SILVERMAN, Circuit Judges.

Samuel Marks Humphrey appeals from the district court's judgment and challenges his guilty-plea conviction and sentence of time served for being a felon in possession of a firearm, in violation of 18 U.S.C. § 922(g)(1). Pursuant to

* 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).

Anders v. California, 386 U.S. 738 (1967), Humphrey'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 Humphrey the opportunity to file a pro se supplemental brief. No pro se supplemental brief or answering brief has been filed, but the court has reviewed Humphrey's pro se filings.

Humphrey 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. *See United States v. Watson*, 582 F.3d 974, 986-88 (9th Cir. 2009). We accordingly dismiss the appeal. *See id.* at 988.

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

Humphrey's pro se motions to dismiss and for appointment of substitute counsel, as well as his other requests, are denied.

DISMISSED.