

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

NOV 21 2023

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

JESUS ROSARIO FAVELA-ASTORGA,
AKA Fabela Astorga, AKA Jesus Rosario
Fabela Astorga, AKA Jesus Rosario,

Defendant-Appellant.

No. 23-10014

D.C. No.

4:11-cr-00150-DCB-BGM-2

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
David C. Bury, District Judge, Presiding

Submitted November 14, 2023**

Before: SILVERMAN, WARDLAW, and TALLMAN, Circuit Judges.

Jesus Rosario Favela-Astorga appeals from the district court's judgment and challenges his guilty-plea conviction and 600-month sentence for second degree murder, in violation of 18 U.S.C. §§ 1111 and 1114. 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), Favela-Astorga'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 Favela-Astorga the opportunity to file a pro se supplemental brief. No pro se supplemental brief or answering brief has been filed.

Favela-Astorga 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**.

Favela-Astorga's pro se motion to appoint new counsel is **DENIED**.

DISMISSED.