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U.S. COURT OF APPEALS

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UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA, Plaintiff - Appellee, v. FELIX OCTAVIO PICHARDO, Defendant - Appellant.	No. 10-50006 D.C. No. 2:08-cr-00825-SVW MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Stephen V. Wilson, District Judge, Presiding

Submitted December 19, 2011**

Before: GOODWIN, WALLACE, and McKEOWN, Circuit Judges.

Felix Octavio Pichardo appeals from his guilty-plea conviction and 96-month sentence for bank fraud and aiding and abetting and causing an act to be done in violation of 18 U.S.C. §§ 2, 1344(1). Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Pichardo's counsel has filed a brief stating there are no

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* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

grounds for relief, along with a motion to withdraw as counsel of record. We have provided the appellant with the opportunity to file a pro se supplemental brief. A pro se supplemental brief has been filed.

Pichardo waived his right to appeal his sentence. Our independent review of the record pursuant to *Penson v. Ohio*, 488 U.S. 75, 80-81 (1988), indicates that the appeal waiver is operative. Accordingly, we dismiss the appeal in part. *See United States v. Nguyen*, 235 F.3d 1179, 1182 (9th Cir.2000).

With regard to Pichardo's conviction, our independent review of the record discloses no arguable grounds for relief on direct appeal, and we affirm.

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

AFFIRMED in part; **DISMISSED** in part.