

JAN 08 2013

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

XOCHITL PADILLA-BARRON,

Defendant - Appellant.

No. 11-10526

D.C. No. 2:09-CR-01355-NVW

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Neil V. Wake, District Judge, Presiding

Submitted December 19, 2012**

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

Xochitl Padilla-Barron appeals from the district court's judgment and challenges her guilty-plea conviction and 198-month sentence for conspiracy to commit hostage taking, in violation of 18 U.S.C. § 1203(a). Pursuant to *Anders v.*

* 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).

California, 386 U.S. 738 (1967), Padilla-Barron'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 Padilla-Barron the opportunity to file a pro se supplemental brief. No pro se supplemental brief or answering brief has been filed.

Padilla-Barron has waived her right to appeal her conviction and sentence. Our independent review of the record pursuant to *Penson 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**.

Padilla-Barron's motion to file late supplemental excerpts of record under seal is **GRANTED**.

Padilla-Barron's pro se motion for appointment of new counsel is **DENIED**.
DISMISSED.