NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,	No. 12-10276
Plaintiff - Appellee,	D.C. No. 4:11-cr-02568-JGZ
v.	
RAYMUNDO GAVINO-MARISCAL,	MEMORANDUM*
Defendant - Appellant.	

Appeal from the United States District Court
for the District of Arizona
Gordon J. Quist, District Judge, Presiding**

Submitted February 11, 2013***

Before: FERNANDEZ, TASHIMA, and WARDLAW, Circuit Judges.

Raymundo Gavino-Mariscal appeals from the district court's judgment and

challenges his guilty-plea conviction and 120-month sentence for conspiracy to

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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 Honorable Gordon J. Quist, Senior United States District Judge
for the Western District of Michigan, sitting by designation.

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

possess with intent to distribute heroin, in violation of 21 U.S.C. §§ 841(a)(1),

(b)(1)(A)(i); and 846; and conspiracy to possess with intent to distribute cocaine, in

violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(A)(ii)(II); and 846. Pursuant to *Anders*

v. California, 386 U.S. 738 (1967), Gavino-Mariscal'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 Gavino-Mariscal the opportunity to file a pro

se supplemental brief. No pro se supplemental brief or answering brief has been

filed.

Gavino-Mariscal has waived his right to appeal his 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.**

DISMISSED.