

FEB 15 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NOT FOR PUBLICATION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.

MARIA TOLEDO-FIERROS, a.k.a. Mari,

Defendant - Appellant.

No. 10-50584

D.C. No. 2:09-cr-01013-PSG

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Philip S. Gutierrez, District Judge, Presiding

Submitted February 11, 2013**

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

Maria Toledo-Fierros appeals from the district court's judgment and challenges the 70-month sentence imposed following her guilty-plea conviction for conspiracy to aid and assist inadmissible aliens to enter the United States, in

* 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).

violation of 8 U.S.C. § 1327. Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Toledo-Fierros'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 Toledo-Fierros the opportunity to file a pro se supplemental brief. No pro se supplemental brief or answering brief has been filed.

Toledo-Fierros has waived her right to appeal her 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.