

MAY 17 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NOT FOR PUBLICATION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.

FRANCISCO PRECIADO-RAMIREZ,

Defendant - Appellant.

No. 12-30197

D.C. No. 3:11-cr-00408-HZ

MEMORANDUM*

Appeal from the United States District Court
for the District of Oregon
Marco A. Hernandez, District Judge, Presiding

Submitted May 14, 2013**

Before: LEAVY, THOMAS, and MURGUIA, Circuit Judges.

Francisco Preciado-Ramirez appeals from the district court’s judgment and challenges his guilty-plea conviction and 27-month sentence for illegal reentry of a deported alien, in violation of 8 U.S.C. § 1326. Pursuant to *Anders v. California*,

* 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).

386 U.S. 738 (1967), Preciado-Ramirez'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 Preciado-Ramirez the opportunity to file a pro se supplemental brief. No pro se supplemental brief has been filed. The government has filed a motion to dismiss the appeal.

Preciado-Ramirez 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 grant the government's motion to dismiss the appeal.

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

DISMISSED.