

JUN 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NOT FOR PUBLICATION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.

XAVIER CANO, a.k.a. Xavier Edgardo
Cano, a.k.a. Javier,

Defendant - Appellant.

No. 12-50151

D.C. No. 2:10-cr-00456-CAS

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Christina A. Snyder, District Judge, Presiding

Submitted June 10, 2013**

Before: HAWKINS, McKEOWN, and BERZON, Circuit Judges.

Xavier Cano appeals from the district court's judgment and challenges the 70-month sentence imposed following his guilty-plea conviction for possession with intent to distribute and distribution of methamphetamine, in violation of 21

* 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).

U.S.C. § 841(a)(1). Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Cano'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 Cano the opportunity to file a pro se supplemental brief. No pro se supplemental brief or answering brief has been filed.

Cano waived his right to appeal five specified issues related to his 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 appeal waiver or as to any sentencing issue that would be outside the scope of the appeal waiver.

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

AFFIRMED.