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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>UNITED STATES OF AMERICA,</p> <p>Plaintiff - Appellee,</p> <p>v.</p> <p>DANNY LEE WARNER, Jr.,</p> <p>Defendant - Appellant.</p>
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No. 12-10419

D.C. No. 3:12-cr-08014-NVW

MEMORANDUM\*

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

Submitted July 24, 2013\*\*

Before: ALARCÓN, CLIFTON, and CALLAHAN, Circuit Judges.

Danny Lee Warner, Jr., appeals from the district court’s judgment and challenges his guilty-plea conviction and 63-month sentence for being a felon in possession of a firearm and ammunition, in violation of 18 U.S.C. § 924(g)(1), (a)(2). Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Warner’s counsel

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

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 Warner the opportunity to file a pro se supplemental brief. No pro se supplemental brief or answering brief has been filed.

Warner 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.**