

AUG 01 2013

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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NOT FOR PUBLICATION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>SANTOS JIMENEZ-ARRIAGA,</p> <p>Defendant - Appellant.</p>
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No. 12-50505

D.C. No. 3:12-cr-01282-BEN

MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
Roger T. Benitez, District Judge, Presiding

Submitted July 24, 2013**

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

Santos Jimenez-Arriaga appeals from the district court’s judgment and challenges his guilty-plea conviction and 48-month sentence for being a removed alien found in the United States, in violation of 8 U.S.C. § 1326. Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Jimenez-Arriaga’s counsel has filed a

* 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).

brief stating that there are no grounds for relief, along with a motion to withdraw as counsel of record. Jimenez-Arriaga has filed a pro se supplemental brief. No answering brief has been filed.

Jimenez-Arriaga 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.

Jimenez-Arriaga's motion for appointment of substitute counsel is denied.

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

DISMISSED.