

OCT 22 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NOT FOR PUBLICATION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.

FRANKLIN ESPINO-ZAMORA, a.k.a.  
Franklin Ivan Espino-Zamora,

Defendant - Appellant.

No. 12-10162

D.C. No. 2:11-cr-00158-JCM

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Nevada  
James C. Mahan, District Judge, Presiding

Submitted October 15, 2013\*\*

Before: FISHER, GOULD, and BYBEE, Circuit Judges.

Franklin Espino-Zamora appeals from the district court's judgment and challenges his guilty-plea conviction and 15-month sentence for being an illegal alien in possession of a firearm, in violation of 18 U.S.C. §§ 922(g)(5)(A) and

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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).

924(a)(2). Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Espino-Zamora'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 Espino-Zamora the opportunity to file a pro se supplemental brief. No pro se supplemental brief or answering brief has been filed.

Espino-Zamora 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.**