

DEC 04 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NOT FOR PUBLICATION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.

JOSE JIMENEZ,

Defendant - Appellant.

No. 12-10448

D.C. No. 3:11-cr-00903-WHA

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
William Alsup, District Judge, Presiding

Submitted November 19, 2013**

Before: CANBY, TROTT, and THOMAS, Circuit Judges.

Jose Jimenez appeals from the district court's judgment and challenges the 87-month sentence imposed following his guilty-plea conviction for conspiracy to distribute methamphetamine and to possess methamphetamine with intent to distribute, in violation of 21 U.S.C. § 846; and possession of methamphetamine

* 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).

with intent to distribute, in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(A)(viii). Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Jimenez'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 Jimenez the opportunity to file a pro se supplemental brief. No pro se supplemental brief or answering brief has been filed.

Jimenez has waived his right to appeal 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 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.