

APR 18 2014

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NOT FOR PUBLICATION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.

JESUS ESPINOZA-TEJADA,

Defendant - Appellant.

Nos. 12-10654

D.C. No. 4:12-cr-01261-RCC

MEMORANDUM*

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JESUS ESPINOZA-TEJADA, a.k.a. Maria
Delgada, a.k.a. Mario Israel Gomez,

Defendant - Appellant.

No. 12-10655

D.C. No. 4:12-cr-50136-RCC

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

Appeal from the United States District Court
for the District of Arizona
Lawrence L. Piersol, District Judge, Presiding**

Submitted March 31, 2014***

Before: HUG, FARRIS, and CANBY, Circuit Judges.

In these consolidated appeals, Jesus Espinoza-Tejada appeals from his guilty-plea conviction and 60-month sentence for reentry after deportation, in violation of 8 U.S.C. § 1326, and also appeals from the revocation of supervised release and consecutive six-month sentence imposed upon revocation. Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Espinoza-Tejada'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 Espinoza-Tejada the opportunity to file a pro se supplemental brief. No pro se supplemental brief or answering brief has been filed.

Espinoza-Tejada has waived his right to appeal his reentry-after-deportation conviction and 60-month sentence. Because the record discloses no arguable issue as to the validity of the waiver, we dismiss Appeal No. 12-10654. *See United*

** The Honorable Lawrence L. Piersol, Senior United States District Judge for the District of South Dakota, sitting by designation.

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

States v. Watson, 582 F.3d 974, 986-88 (9th Cir. 2009).

Our independent review of the record pursuant to *Penson v. Ohio*, 488 U.S. 75, 80 (1988), discloses no arguable grounds for relief with respect to the revocation of supervised release or the sentence imposed upon revocation. We therefore affirm the judgment challenged in Appeal No. 12-10655.

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

Appeal No. 12-10654 DISMISSED; Appeal No. 12-10655 AFFIRMED.