

JUN 30 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NOT FOR PUBLICATION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.

JOVANNI AGUIRRE-RIVAS,

Defendant - Appellant.

Nos. 13-10417

13-10418

D.C. Nos. 4:11-cr-03678-RCC

4:11-cr-50275-RCC

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Raner C. Collins, Chief Judge, Presiding

Submitted June 25, 2014**

Before: HAWKINS, TALLMAN, and NGUYEN, Circuit Judges.

In these consolidated appeals, Jovanni Aguirre-Rivas appeals from the district court's judgment and challenges his guilty-plea conviction and 24-month sentence for reentry after deportation, in violation of 8 U.S.C. § 1326, and his

* 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).

revocation of supervised release and 4-month consecutive sentence imposed thereupon. Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Aguirre-Rivas'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 Aguirre-Rivas the opportunity to file a pro se supplemental brief. No pro se supplemental brief or answering brief has been filed.

Aguirre-Rivas 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 in case number 13-10417. *See id.* at 988. Because Aguirre-Rivas has fully served the sentence imposed upon revocation of supervised release, we dismiss the appeal in case number 13-10418 as moot. *See Spencer v. Kemna*, 523 U.S. 1, 12-14 (1998).

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

DISMISSED.