

AUG 19 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NOT FOR PUBLICATION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.

KELVIN LAMAR SHELTON,

Defendant - Appellant.

No. 13-50255

D.C. No. 2:11-cr-00743-SVW

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Stephen V. Wilson, District Judge, Presiding

Submitted August 13, 2014**

Before: SCHROEDER, THOMAS, and HURWITZ, Circuit Judges.

Kelvin Lamar Shelton appeals from the district court's judgment and challenges his guilty-plea convictions and 120-month sentence for possession of crack cocaine with intent to distribute and 24-month concurrent sentence for possession of cocaine with intent to distribute, in violation of 21 U.S.C.

* 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).

§ 841(a)(1), (b)(1)(B)(iii), (b)(1)(C). Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Shelton'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 Shelton the opportunity to file a pro se supplemental brief. No pro se supplemental brief or answering brief has been filed.

Shelton waived his right to appeal his convictions, with the exception of an appeal based on a claim that his plea was involuntary. Shelton also waived the right to appeal five specified issues related to his sentence. Our independent review of the record pursuant to *Penson v. Ohio*, 488 U.S. 75, 80 (1988), discloses no arguable grounds for relief as to the voluntariness of Shelton's plea or any sentencing issue outside the scope of the appeal waiver. We therefore affirm as to those issues. We dismiss the remainder of the appeal in light of the valid appeal waiver. *See United States v. Watson*, 582 F.3d 974, 988 (9th Cir. 2009).

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

AFFIRMED in part; DISMISSED in part.