

OCT 2 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NOT FOR PUBLICATION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.

ALFREDO MENDIOLA-BORBOA, a.k.a.
Alfredo Borboa, a.k.a. Alfredo Mendiola,

Defendant - Appellant.

No. 13-10405

D.C. No. 2:13-cr-00700-ROS

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Ronald S.W. Lew, District Judge, Presiding**

Submitted September 23, 2014***

Before: W. FLETCHER, RAWLINSON, and CHRISTEN, Circuit Judges.

Alfredo Mendiola-Borboa appeals from the district court’s judgment and challenges his guilty-plea conviction and 21-month sentence for reentry of a

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

** The Honorable Ronald S.W. Lew, Senior United States District Judge for the Central District of California, sitting by designation.

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

removed alien, in violation of 8 U.S.C. § 1326. Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Mendiola-Borboa'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 Mendiola-Borboa the opportunity to file a pro se supplemental brief. No pro se supplemental brief or answering brief has been filed.

Mendiola-Borboa 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.