

OCT 20 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NOT FOR PUBLICATION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.

CESAR MANUEL TORRES-FLORES,

Defendant - Appellant.

No. 13-50314

D.C. No. 2:13-cr-00235-PA

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Percy Anderson, District Judge, Presiding

Submitted October 14, 2014**

Before: LEAVY, GOULD, and BERZON, Circuit Judges.

Cesar Manuel Torres-Flores appeals from the district court’s judgment and challenges the 63-month sentence imposed following his guilty-plea conviction for being an illegal alien found in the United States following deportation, in violation of 8 U.S.C. § 1326. Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Torres-

* 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).

Flores's counsel has filed a brief stating that there are no grounds for relief, along with a motion to withdraw as counsel of record. Torres-Flores has filed a pro se supplemental brief, and the government has filed a motion for summary affirmance.

Torres-Flores waived the right to appeal his sentence, except that he reserved the right to appeal the district court's calculation of his criminal history category. 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 calculation of Torres-Flores's criminal history category. We, therefore, grant the government's motion for summary affirmance as to that issue. We dismiss the remainder of the sentencing 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.