

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

NOV 21 2014

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

HENRRY VALDEZ,

Defendant - Appellant.

No. 13-10648

D.C. No. 4:12-cr-01675-CKJ-
BPV-2

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Cindy K. Jorgenson, District Judge, Presiding

Submitted August 18, 2014**

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

Henry Valdez appeals from the district court's judgment and challenges his 108-month sentence for conspiracy to possess with intent to distribute methamphetamine, in violation of 21 U.S.C. § 846 and 21 U.S.C. § 841(a)(1), (b)(1)(A)(viii). Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Valdez's

* 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).

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 Valdez the opportunity to file a pro se supplemental brief. No pro se supplemental brief or answering brief has been filed.

In his written plea agreement, Valdez waived his right to appeal his conviction and sentence. Because the district court did not discuss Valdez's waiver of his right to appeal his sentence during the change of plea hearing, however, we decline to enforce that waiver. *See United States v. Arellano-Gallegos*, 387 F.3d 794, 796-97 (9th Cir. 2004). Our independent review of the record pursuant to *Penson v. Ohio*, 488 U.S. 75 (1988), discloses no arguable grounds for relief. Accordingly, we affirm the sentence.

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

AFFIRMED.