

DEC 16 2014

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>UNITED STATES OF AMERICA,</p> <p>Plaintiff - Appellee,</p> <p>v.</p> <p>ALVARO MONTES-CARDENAS, a.k.a. Tomas Carrillo-Beltran,</p> <p>Defendant - Appellant.</p>

No. 13-50568

D.C. No. 2:12-cr-00650-JAK

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
John A. Kronstadt, District Judge, Presiding

Submitted December 9, 2014**

Before: WALLACE, LEAVY, and BYBEE, Circuit Judges.

Alvaro Montes-Cardenas appeals from the district court’s judgment and challenges the 64-month sentence imposed following his guilty-plea conviction for conspiracy to distribute marijuana, in violation of 21 U.S.C. §§ 846 and 841(b)(1)(B)(vii). Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Montes-

* 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).

Cardenas'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 Montes-Cardenas the opportunity to file a pro se supplemental brief. No pro se supplemental brief or answering brief has been filed.

Montes-Cardenas 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 any sentencing issues 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.