

JAN 29 2015

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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NOT FOR PUBLICATION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>JORGE PENA-RODRIGUEZ,</p> <p>Defendant - Appellant.</p>
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No. 14-10155

D.C. No. 2:13-cr-01781-NVW

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Linda R. Reade, District Judge, Presiding**

Submitted January 21, 2015***

Before: CANBY, GOULD, and N.R. SMITH, Circuit Judges.

Jorge Pena-Rodriguez appeals from the district court’s judgment and challenges his guilty-plea conviction and 37-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 Linda R. Reade, Chief Judge of the United States District Court for the Northern District of Iowa, 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), Pena-Rodriguez's counsel has filed a brief stating that there are no grounds for relief, along with a motion to withdraw as counsel of record. Pena-Rodriguez has filed a pro se supplemental brief. No answering brief has been filed.

Pena-Rodriguez 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.