

JAN 29 2015

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U.S. COURT OF APPEALS

## NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MARTIN GARCIA-REYES,

Defendant - Appellant.

No. 14-50005

D.C. No. 2:12-cr-00606-MWF

MEMORANDUM\*

Appeal from the United States District Court  
for the Central District of California  
Michael W. Fitzgerald, District Judge, Presiding

Submitted January 21, 2015\*\*

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

Martin Garcia-Reyes appeals from the district court's judgment and challenges his guilty-plea conviction and 63-month sentence for conspiracy to distribute marijuana, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(A)(vii), 846.

Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Garcia-Reyes's counsel has

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\* 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).

filed a brief stating that there are no grounds for relief, along with a motion to withdraw as counsel of record. We have provided Garcia-Reyes the opportunity to file a pro se supplemental brief. No pro se supplemental brief or answering brief has been filed.

Garcia-Reyes waived the right to appeal his conviction with the exception of an appeal based on a claim that his plea was involuntary. Garcia-Reyes also waived the right to appeal five specified issues related to his sentence. Our independent review of the record pursuant to *Penon v. Ohio*, 488 U.S. 75, 80 (1988), discloses no arguable grounds for relief as to the voluntariness of Garcia-Reyes's plea or any sentencing issue 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.**