

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

APR 27 2015

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

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

FRANCISCO ROSALES-HERNANDEZ,

Defendant - Appellant.

No. 13-10506

D.C. No. 2:12-cr-01958-SRB

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Susan R. Bolton, District Judge, Presiding

Submitted April 22, 2015**

Before: GOODWIN, BYBEE, and CHRISTEN, Circuit Judges.

Francisco Rosales-Hernandez appeals from the district court's judgment and challenges his guilty-plea conviction and 70-month sentence for conspiracy to transport and harbor illegal aliens, in violation of 8 U.S.C. § 1324(a)(1)(A)(ii), (iii) and (v)(1); and conspiracy to commit money laundering, in violation of 18 U.S.C.

* 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).

§ 1956(h). Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Rosales-Hernandez's counsel has filed a brief stating that there are no grounds for relief, along with a motion to withdraw as counsel of record. Rosales-Hernandez has filed a pro se supplemental brief. No answering brief has been filed.

Rosales-Hernandez has waived the 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). Rosales-Hernandez's contention that the government breached the plea agreement is not supported by the record because Rosales-Hernandez received the three-level reduction for acceptance of responsibility that he was promised. Moreover, the district court did not provide an unqualified advisement that Rosales-Hernandez retained the right to appeal. *See United States v. Arias-Espinosa*, 704 F.3d 616, 618-20 (9th Cir. 2012). We accordingly dismiss the appeal. *See Watson*, 582 F.3d at 988.

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

DISMISSED.