

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

MAY 04 2015

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

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

VICTOR ANTHONY SCHWARTZ, a.k.a.
Victor Anthony Lopez,

Defendant - Appellant.

No. 14-30078

D.C. No. 9:13-cr-00046-DLC-1

MEMORANDUM*

Appeal from the United States District Court
for the District of Montana
Dana L. Christensen, Chief District Judge, Presiding

Submitted January 29, 2015**

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

Victor Anthony Schwartz appeals from the district court's judgment and challenges his guilty-plea conviction and 120-month sentence for possession with intent to distribute methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1) and

* 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).

841(b)(1)(A). Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Schwartz'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 Schwartz the opportunity to file a pro se supplemental brief. No pro se supplemental brief or answering brief has been filed.

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 Schwartz's conviction. We accordingly affirm his conviction.

Schwartz has waived his right to appeal his 120-month sentence. Because the record discloses no arguable issue as to the validity of the appeal waiver, we dismiss the appeal as to his sentence. See *United States v. Watson*, 582 F.3d 974, 986-88 (9th Cir. 2009).

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

AFFIRMED in part; **DISMISSED** in part.