FILED

MAY 18 2015

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA, Plaintiff - Appellee, v. WILSONIS AYALA-VILLANUEVA, a.k.a. Juan Carlos Chavez, Defendant - Appellant.	No. 14-10061 D.C. No. 1:07-cr-00268-JMS MEMORANDUM*

Appeal from the United States District Court
for the District of Hawaii
J. Michael Seabright, District Judge, Presiding

Submitted May 13, 2015**

Before: LEAVY, CALLAHAN, and M. SMITH, Circuit Judges.

Wilsonis Ayala-Villanueva appeals from the district court's amended judgment removing one of his supervised release conditions. Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Ayala-Villanueva's counsel has filed a brief

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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).

stating that there are no grounds for relief, along with a motion to withdraw as counsel of record. Ayala-Villanueva has filed a pro se supplemental opening brief. No 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 on direct appeal. Ayala-Villanueva's pro se challenges to his conviction and sentence are waived. *See United States v. Gianelli*, 543 F.3d 1178, 1184 (9th Cir. 2008). Any motion respecting the applicability of Amendment 782 to the Guidelines should be brought in the sentencing court in the first instance. *See* 18 U.S.C. § 3582(c)(2).

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

AFFIRMED.