

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

AUG 05 2015

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

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ALEJANDRO ARRIOLA, AKA
Alejandro Arriola Aguilar, AKA Matias
Valencia Arreguin, AKA Noe Fernandez,
AKA Cuahtemoc Fernandez Gonzalez,
AKA Luis Rubio, AKA Luis Campo
Rubio, AKA Matias Valencia,

Defendant - Appellant.

No. 14-50212

D.C. No. 8:14-cr-00017-PA-1

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Percy Anderson, District Judge, Presiding

Submitted August 3, 2015**

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

* 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).

Alejandro Arriola appeals from the district court's judgment and challenges the 46-month sentence imposed following his guilty-plea conviction for being an illegal alien found in the United States following deportation, in violation of 8 U.S.C. § 1326. Pursuant to *Anders v. California*, 386 U.S. 738, Arriola-Aguilar'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 Arriola the opportunity to file a pro se supplemental brief. No pro se supplemental brief or answering brief has been filed.

Arriola waived the right to appeal his sentence, except that he reserved the right to appeal the district court's calculation of his criminal history category. 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 the calculation of Arriola's criminal history category. We therefore affirm as to that issue. We dismiss the remainder of the sentencing 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.