

SEP 04 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NOT FOR PUBLICATION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.

JUVENAL GUTIERREZ-GARCIA,

Defendant - Appellant.

No. 15-10013

D.C. No. 2:14-cr-01004-DJH-1

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Diane J. Humetewa, District Judge, Presiding

Submitted September 2, 2015**

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

Juvenal Gutierrez-Garcia appeals from the district court’s judgment and challenges his guilty-plea conviction and 57-month sentence 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 (1967), Gutierrez-Garcia’s

* 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).

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 Gutierrez-Garcia the opportunity to file a pro se supplemental brief. No pro se supplemental brief or answering brief has been filed.

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

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

DISMISSED.