

FILED

OCT 16 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NOT FOR PUBLICATION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.

JAVIER CARRERA SOLIS, a.k.a. Javier
Solis Carrera, a.k.a. Javier Solis,

Defendant - Appellant.

No. 14-50546

D.C. No. 2:14-cr-00538-GAF-1

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Gary A. Feess, District Judge, Presiding

Submitted October 14, 2015**

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

Javier Solis appeals from the district court's judgment and challenges his conviction and 71-month sentence for illegal reentry after deportation, in violation of 8 U.S.C. § 1326. Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Solis'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. We have provided Solis the opportunity to file a pro se supplemental brief. No pro se supplemental brief or answering brief has been filed.

Solis waived his right to appeal his conviction, with the exception of an appeal based on a claim that his plea was involuntary. He also waived the right to appeal his sentence, with the exception of the 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 voluntariness of Solis's plea or the criminal history category calculated by the court. We therefore affirm as to those issues. We dismiss the remainder of the appeal in light of the valid appeal waivers. *See United States v. Watson*, 582 F.3d 974, 986-88 (9th Cir. 2009).

In accordance with *United States v. Rivera-Sanchez*, 222 F.3d 1057, 1062 (9th Cir. 2000), we remand the case to the district court with instructions that it delete from the judgment the reference to 8 U.S.C. § 1326(b)(2). We also instruct the district court to change the name and case number on pages 2 through 5 of the judgment to reflect the accurate name and case number.

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

AFFIRMED in part; **DISMISSED** in part; **REMANDED** to correct the judgment.