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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NOT FOR PUBLICATION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.

EUSEVIO CHAVALLO, Jr.,

Defendant - Appellant.

No. 14-30191

D.C. No. 2:13-cr-00100-RMP

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of Washington
Rosanna Malouf Peterson, Chief Judge, Presiding

Submitted November 18, 2015**

Before: TASHIMA, OWENS, and FRIEDLAND, Circuit Judges.

Eusevio Chavallo, Jr., appeals from the district court's judgment and challenges his guilty-plea conviction and 78-month sentence for distribution of a mixture or substance containing a detectable amount of methamphetamine, in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(C), and possession of a firearm in

* 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).

furtherance of a drug-trafficking crime, in violation of 18 U.S.C. § 924(c)(1)(A)(i). Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Chavallo's counsel has filed a brief stating that there are no grounds for relief, along with a motion to withdraw as counsel of record. Chavallo has filed pro se supplemental briefs. No answering brief has been filed.

Chavallo waived his right to appeal his conviction and sentence. Our independent review of the record pursuant to *Penson v. Ohio*, 488 U.S. 75, 80 (1988), discloses no arguable issue as to the validity of the waiver. *See United States v. Watson*, 582 F.3d 974, 986-88 (9th Cir. 2009). We accordingly dismiss the appeal. *See id.* at 988.

We decline to review Chavallo's pro se ineffective assistance of counsel claims on direct appeal. *See United States v. Rahman*, 642 F.3d 1257, 1260 (9th Cir. 2011).

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

Chavallo's pro se motion to accept the filing of his reply brief is **GRANTED**. The Clerk shall file the reply brief received on October 23, 2015.

All other pending motions are **DENIED**.

DISMISSED.