

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

JAN 25 2016

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

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ESTEBAN MARTINEZ,

Defendant - Appellant.

No. 14-10415

D.C. No. 4:12-cr-02085-CKJ

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Cindy K. Jorgenson, District Judge, Presiding

Submitted January 20, 2016**

Before: CANBY, TASHIMA, and NGUYEN, Circuit Judges.

Esteban Martinez appeals from the district court's judgment and challenges the 50-month sentence imposed following his jury-trial conviction for possession with intent to distribute heroin, in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(C).

We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

* 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).

Martinez contends the district court improperly admitted evidence that he had \$1,085.00 on him when he was arrested, resulting in a violation of his due process rights. The record reflects that Martinez stipulated to possessing \$1,085.00 at the time of his arrest. Accordingly, Martinez has waived his right to appeal the district court's evidentiary ruling. *See Yeti by Molly, Ltd. v. Deckers Outdoor Corp.*, 259 F.3d 1101, 1108 (9th Cir. 2001) (“A stipulation . . . is tantamount to a waiver of an issue for appeal.”) (internal quotations omitted).

AFFIRMED.