

JAN 25 2016

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NOT FOR PUBLICATION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.

JOSE GUADALUPE VERDIN-
ALDAMA, a.k.a. Guadalupe Verdin-
Aldama, a.k.a. Jose Verdin-Aldama, a.k.a.
Javier Verdin-Lopez,

Defendant - Appellant.

Nos. 15-10028

15-10029

D.C. Nos. 4:14-cr-50050-RM

4:14-cr-00197-RM

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Rosemary Marquez, District Judge, Presiding

Submitted January 20, 2016**

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

In these consolidated appeals, Jose Guadalupe Verdin-Aldama appeals his guilty-plea conviction and 18-month sentence for attempted reentry of a removed

* 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).

alien, in violation of 8 U.S.C. § 1326, and the revocation of supervised release and 18-month sentence imposed thereupon. Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Verdin-Aldama'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 Verdin-Aldama the opportunity to file a pro se supplemental brief. No pro se supplemental brief or answering brief has been filed.

Verdin-Aldama waived the right to appeal his conviction. 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 of the conviction in case number 15-10029. See *id.* at 988. Because Verdin-Aldama has fully served both the sentence imposed in case number 15-10029 and the sentence imposed upon revocation of supervised release, we dismiss the appeal of the sentence in case number 15-10029 and the appeal in case number 15-10028 as moot. See *Spencer v. Kemna*, 523 U.S. 1, 12-14 (1998); *United States v. Palomba*, 182 F.3d 1121, 1123 (9th Cir. 1999).

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

DISMISSED.