

MAY 31 2016

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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## NOT FOR PUBLICATION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.

MARIO ALBERTO CARDONA-  
BENITEZ,

Defendant - Appellant.

No. 15-10052

D.C. No. 2:14-cr-01470-JJT

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Arizona  
John J. Tuchi, District Judge, Presiding

Submitted May 24, 2016\*\*

Before: REINHARDT, W. FLETCHER, and OWENS, Circuit Judges.

Mario Alberto Cardona-Benitez appeals from the district court's judgment and challenges his guilty-plea conviction and 33-month sentence for reentry of a removed alien, in violation of 8 U.S.C. § 1326. Pursuant to *Anders v. California*,

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\* 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).

386 U.S. 738 (1967), Cardona-Benitez'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 Cardona-Benitez the opportunity to file a pro se supplemental brief. No pro se supplemental brief or answering brief has been filed.

Cardona-Benitez 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.

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

**DISMISSED.**