

FILED

SEP 02 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NOT FOR PUBLICATION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.

CARLOS SERGIO BRISENO, a.k.a.
Guillermo Briseno, a.k.a. Juan Vincente
Guerra, a.k.a. Juan Vicente Herrera,

Defendant-Appellant.

No. 15-50317

D.C. No.
8:11-cr-00133-JVS-8

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
James V. Selna, District Judge, Presiding

Submitted August 31, 2016**

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

Carlos Sergio Briseno appeals the 188-month sentence imposed following his guilty plea conviction for conspiracy to distribute heroin, in violation of 21 U.S.C. §§ 846, 841(a)(1), (b)(1)(B)(I). Pursuant to *Anders v. California*, 386 U.S.

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

738 (1967), Briseno'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 Briseno the opportunity to file a pro se supplemental brief. No pro se supplemental brief or answering brief has been filed.

Briseno waived his right to appeal his sentence, although he retained the right to appeal some conditions of supervised release. Our independent review of the record pursuant to *Penon v. Ohio*, 488 U.S. 75, 80 (1988), discloses no arguable grounds for relief regarding the terms and conditions of supervised release. We therefore affirm as to that issue. We dismiss the remainder of the appeal in light of the valid appeal waiver. *See United States v. Watson*, 582 F.3d 974, 986-88 (9th Cir. 2009).

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

AFFIRMED in part; **DISMISSED** in part.