

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

NOV 08 2016

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

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

TORIBIO MORENO-FIERRO,

Defendant-Appellant.

No. 15-10565

D.C. No.

2:15-cr-01023-GMS-1

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
G. Murray Snow, District Judge, Presiding

Submitted November 4, 2016**

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

Toribio Moreno-Fierro appeals from the district court's judgment and challenges his conviction and 33-month sentence for being an illegal alien found in the United States following deportation, in violation of 8 U.S.C. § 1326. Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Moreno-Fierro's counsel has filed a

* 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).

brief stating that there are no grounds for relief, along with a motion to withdraw as counsel of record. We have provided Moreno-Fierro the opportunity to file a pro se supplemental brief. No pro se supplemental brief or answering brief has been filed.

Moreno-Fierro has waived his right to appeal. Because the record discloses no arguable issue as to the validity of the appeal waiver, we dismiss the appeal.

See United States v. Watson, 582 F.3d 974, 986-88 (9th Cir. 2009).

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

DISMISSED.