

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAY 11 2017

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

No. 16-10140

Plaintiff-Appellee,

D.C. No. 2:15-cr-01594-GMS

v.

MEMORANDUM*

RAFAEL NIEBLAS-CRUZ,

Defendant-Appellant.

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

Submitted May 8, 2017**

Before: REINHARDT, LEAVY, and NGUYEN, Circuit Judges.

Rafael Nieblas-Cruz appeals from the district court's judgment and challenges his guilty-plea conviction and 27-month sentence for reentry of a removed alien, in violation of 8 U.S.C. § 1326. Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Nieblas-Cruz's counsel has filed a brief stating that there are

* 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).

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

Nieblas-Cruz 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.