

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAR 19 2018

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

No. 17-30051

Plaintiff-Appellee,

D.C. No. 3:16-cr-00032-SLG

v.

MEMORANDUM\*

RONNIE MORENO,

Defendant-Appellant.

Appeal from the United States District Court  
for the District of Alaska  
Sharon L. Gleason, District Judge, Presiding

Submitted March 13, 2018\*\*

Before: LEAVY, M. SMITH, and CHRISTEN, Circuit Judges.

Ronnie Moreno appeals from the district court's judgment and challenges his guilty-plea conviction and 120-month sentence for conspiracy to distribute and to possess with intent to distribute methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(B), and 846. Pursuant to *Anders v. California*, 386 U.S. 738

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\* 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).

(1967), Moreno's counsel has filed a brief stating that there are no grounds for relief, along with a motion to withdraw as counsel of record. Moreno has filed a pro se supplemental brief. No answering brief has been filed.

Moreno waived his right to appeal his conviction and sentence, provided the district court imposed a sentence that did not exceed the statutory maximum penalties. 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.

To the extent that Moreno seeks to raise a claim of ineffective assistance of trial or appellate counsel, we decline to address this issue on direct appeal. *See United States v. Rahman*, 642 F.3d 1257, 1259-60 (9th Cir. 2011).

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

Moreno's pro se motions for release pending appeal and for substitute counsel are **DENIED** as moot.

**DISMISSED.**