

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUL 12 2018

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

MICHEL EDMUNDO FONG-LEYVA,
a.k.a. Michel Edmund Fong Leyva, a.k.a.
Michel Edmundo Fong Leyva,

Defendant-Appellant.

Nos. 17-10336
17-10337

D.C. Nos. 2:17-cr-00666-SPL
2:14-cr-01656-SPL

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Steven P. Logan, District Judge, Presiding

Submitted July 10, 2018**

Before: CANBY, W. FLETCHER, and CALLAHAN, Circuit Judges.

In these consolidated appeals, Michel Edmundo Fong-Leyva appeals his guilty-plea conviction and 30-month sentence for reentry of a removed alien, in violation of 8 U.S.C. § 1326, and the revocation of supervised release and

* 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).

consecutive 21-month sentence imposed upon revocation. Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Fong-Leyva'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 Fong-Leyva the opportunity to file a pro se supplemental brief. No pro se supplemental brief or answering brief has been filed.

Fong-Leyva waived his right to appeal his conviction, the revocation of supervised release, and his sentences. 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 these appeals. *See id.* at 988.

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

DISMISSED.