

NOT FOR PUBLICATION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,

No. 17-10341

Plaintiff-Appellee,

D.C. No. 2:15-cr-00522-SRB

v.

MEMORANDUM*

CARLOS OMAR HEREDIA-NIEBLAS,

Defendant-Appellant.

Appeal from the United States District Court
for the District of Arizona
Susan R. Bolton, District Judge, Presiding

Submitted July 10, 2018**

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

Carlos Omar Heredia-Nieblas appeals from the district court's judgment and challenges his guilty-plea conviction and 96-month sentence for conspiracy to distribute methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(A)(viii) and 846. Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Heredia-Nieblas'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).

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 Heredia-Nieblas the opportunity to file a pro se supplemental brief. No pro se supplemental brief or answering brief has been filed.

Heredia-Nieblas 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.

Heredia-Nieblas's motions to file the supplemental excerpts of record under seal are **GRANTED**. The Clerk shall file both volumes of the supplemental excerpts of record at Docket Entry Nos. 23 and 24, as well as the motions to seal themselves, under seal.

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

DISMISSED.