

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JAN 18 2019

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

No. 17-10102

Plaintiff-Appellee,

D.C. No. 2:12-cr-00154-JAM

v.

MEMORANDUM*

YASIR MEHMOOD,

Defendant-Appellant.

Appeal from the United States District Court
for the Eastern District of California
John A. Mendez, District Judge, Presiding

Submitted January 15, 2019**

Before: TROTT, TALLMAN, and CALLAHAN, Circuit Judges.

Yasir Mehmood appeals from the district court's judgment and challenges his guilty-plea convictions and aggregate 54-month sentence for bank fraud and aggravated identity theft, in violation of 18 U.S.C. §§ 1344 and 1028A(a)(1), respectively. Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Mehmood'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 filed a brief stating that there were no grounds for relief, along with a motion to withdraw as counsel of record. We previously granted counsel's motion to withdraw and granted Mehmood a six-month extension of time to file a pro se supplemental brief. We deny Mehmood's motion for an additional six-month extension to file the pro se supplemental brief. No answering brief was filed.

Mehmood 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). Contrary to Mehmood's contention in the pro se notice of appeal, the district court's statement at the conclusion of the sentencing hearing did not vitiate the written appeal waiver because it was not an unqualified advisement of the right to appeal. *See United States v. Arias-Espinosa*, 704 F.3d 616, 618-20 (9th Cir. 2012). We accordingly dismiss the appeal. *See Watson*, 582 F.3d at 988.

Mehmood's motion for appointment of new counsel is **DENIED.**

DISMISSED.