

NOT FOR PUBLICATION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,

Plaintiff-Appellee,

v.

DEREK LAMONT TERRY,

Defendant-Appellant.

Nos. 18-10072
18-10078

D.C. Nos. 2:16-cr-01375-CKJ-1
4:16-cr-01350-CKJ-1

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Cindy K. Jorgenson, District Judge, Presiding

Submitted January 15, 2019**

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

In these consolidated appeals, Derek Lamont Terry appeals from the district court's judgments and challenges his guilty-plea convictions and concurrent 240-month sentences for sex trafficking of children, in violation of 18 U.S.C.

§ 1591(a)(1), (b)(2), and (c), and transportation of a minor with intent to engage in

* 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).

prostitution, in violation of 18 U.S.C. §§ 2 and 2423(a). Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Terry's counsel has filed a brief stating that there are no grounds for relief, along with a motion to withdraw as counsel of record. Terry's motion to file a pro se supplemental brief is granted. The brief has been filed and considered. No answering brief has been filed.

Terry waived his right to appeal his convictions and 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 consolidated appeals. *See id.* at 988.

We decline to address on direct appeal Terry's pro se claims of ineffective assistance of counsel. *See United States v. Rahman*, 642 F.3d 1257, 1259-60 (9th Cir. 2011).

Counsel's motion to withdraw is **GRANTED**. Terry's pro se motions to appoint new counsel are **DENIED**.

DISMISSED.