

NOT FOR PUBLICATION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. 18-10102

Plaintiff-Appellee,

D.C. No. 2:15-cr-00140-MCE-1

v.

MEMORANDUM*

RAFAEL PAHUA MARTINEZ, a.k.a.
Miguel Pahua Martinez, a.k.a. Enrique
Pahua Montano,

Defendant-Appellant.

Appeal from the United States District Court
for the Eastern District of California
Morrison C. England, Jr., District Judge, Presiding

Submitted January 15, 2019**

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

Rafael Pahua Martinez appeals from the district court's judgment and challenges his guilty-plea conviction and 252-month sentence for conspiracy to distribute and to possess with intent to distribute methamphetamine, in violation of

* 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).

21 U.S.C. §§ 841(a)(1) and 846. Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Martinez’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 Martinez the opportunity to file a pro se supplemental brief. No pro se supplemental brief or answering brief has been filed.

Martinez 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.

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

DISMISSED.