

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

DEC 16 2019

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

No. 19-10189

Plaintiff-Appellee,

D.C. No. 3:17-cr-08127-JJT-1

v.

MEMORANDUM\*

SHAUN GUI HALE,

Defendant-Appellant.

Appeal from the United States District Court  
for the District of Arizona  
John J. Tuchi, District Judge, Presiding

Submitted December 11, 2019\*\*

Before: WALLACE, CANBY, and TASHIMA, Circuit Judges.

Shaun Gui Hale appeals from the district court's judgment and challenges his guilty-plea conviction and 84-month sentence for domestic assault by strangling or suffocation, in violation of 18 U.S.C. §§ 113(a)(8) and 1153.

Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Hale's counsel has filed a

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\* 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).

brief stating that there are no grounds for relief, along with a motion to withdraw as counsel of record. The court has considered Hale's letter dated October 25, 2019, which we treat as a pro se supplemental opening brief. No answering brief had been filed.

Hale 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**. Hale's pro se motion for appointment of counsel is **DENIED**.

**DISMISSED.**