

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

APR 10 2020

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

No. 19-10098

Plaintiff-Appellee,

D.C. No. 2:18-cr-01325-DLR-2

v.

MEMORANDUM*

BRIAN ANTOINE EDWARDS,

Defendant-Appellant.

Appeal from the United States District Court
for the District of Arizona
Douglas L. Rayes, District Judge, Presiding

Submitted April 7, 2020**

Before: TASHIMA, BYBEE, and WATFORD, Circuit Judges.

Brian Antoine Edwards appeals from the district court's judgment and challenges his guilty-plea conviction, time-served sentence, and 36-month term of supervised release for transportation of illegal aliens, in violation of 8 U.S.C. § 1324(a)(1)(A)(ii) and (a)(1)(B)(ii). Pursuant to *Anders v. California*, 386 U.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).

738 (1967), Edwards'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 Edwards the opportunity to file a pro se supplemental brief. No pro se supplemental brief or answering brief has been filed.

Edwards 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.

The record suggests that Edwards is a United States citizen; however, the judgment includes an alien registration number. On remand, if the district court determines that Edwards is a United States citizen, the judgment should be corrected.

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

DISMISSED; REMANDED with instructions.