

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

APR 14 2020

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

No. 19-10121

Plaintiff-Appellee,

D.C. No. 3:18-cr-08302-SMB-1

v.

MEMORANDUM*

VIRGIL CLINTON NELSON,

Defendant-Appellant.

Appeal from the United States District Court
for the District of Arizona

Susan M. Brnovich, District Judge, Presiding

Submitted April 7, 2020**

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

Virgil Clinton Nelson appeals from the district court's judgment and challenges his guilty-plea conviction and 240-month sentence for abusive sexual contact of a child, in violation of 18 U.S.C. §§ 1153, 2244(a)(5), and 2246(3).

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

* 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. We have provided Nelson the opportunity to file a pro se supplemental brief. No pro se supplemental brief or answering brief has been filed.

Nelson waived his right to appeal his conviction and sentence. Our independent review of the record pursuant to *Penon 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.