

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

OCT 29 2020

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

SESAR ASUNCION COVARRUBIAS-
ARELLANO, AKA Sesar Covarrubias,

Defendant-Appellant.

No. 20-10123

D.C. No. 2:19-cr-00555-MTL-1

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Michael T. Liburdi, District Judge, Presiding

Submitted October 26, 2020**

Before: McKEOWN, RAWLINSON, and FRIEDLAND, Circuit Judges.

Sesar Asuncion Covarrubias-Arellano appeals from the district court's judgment and challenges his guilty-plea conviction and time-served sentence, to be followed by 36 months of supervised release, for reentry of a removed alien, in violation of 8 U.S.C. § 1326. Pursuant to *Anders v. California*, 386 U.S. 738

* 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).

(1967), Covarrubias-Arellano's counsel has filed a brief stating that there are no grounds for relief, along with a motion to withdraw as counsel of record. The court did not provide Covarrubias-Arellano an opportunity to file a pro se supplemental brief because he was removed from the United States on March 26, 2020, and the parties were unable to provide a mailing address for him. No answering brief has been filed.

Covarrubias-Arellano 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.