

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAR 18 2021

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

No. 19-50377

Plaintiff-Appellee,

D.C. No. 2:17-cr-00288-AB-1

v.

MEMORANDUM*

JESUS RAUL SALAZAR-ESPINOZA,
AKA Jesus Salazar Cerbontes, AKA
Antonio Hernandez Cervantes, AKA
Antonio Pinosa Cervantes, AKA Hernandez
Antonio Cervantes, AKA Jesus Salazar
Cervantes, AKA Antonio Cervantes-
Hernandez, AKA Jesus Espinosa, AKA
Ramon J. Hernandez, AKA Salazar Israel
Cervantes, AKA Jesus Salazar Pedro, AKA
Gabriel Espinoza Salazar, AKA Gabriel P.
Salazar, AKA Raul Salazar-Lopez,

Defendant-Appellant.

Appeal from the United States District Court
for the Central District of California
Andre Birotte, Jr., District Judge, Presiding

Submitted March 16, 2021**

Before: GRABER, R. NELSON, and HUNSAKER, Circuit Judges.

* 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).

Jesus Raul Salazar-Espinoza appeals from the district court's judgment and challenges his guilty-plea convictions and aggregate 180-month sentence for possession with intent to distribute methamphetamine, in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(A)(viii), and possession of a firearm in furtherance of a drug trafficking crime, in violation of 18 U.S.C. § 924(c)(1)(A)(i). Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Salazar-Espinoza's counsel has filed a brief stating that there are no grounds for relief, along with a motion to withdraw as counsel of record. Salazar-Espinoza has filed a pro se supplemental brief and request to appoint new counsel. The government has moved for summary affirmance.

Salazar-Espinoza waived his right to appeal his convictions, with the exception of an appeal based on a claim that his pleas were involuntary. Salazar-Espinoza also waived the right to appeal most aspects of his sentence. Our independent review of the record pursuant to *Penon v. Ohio*, 488 U.S. 75, 80 (1988), discloses no arguable grounds for relief as to the voluntariness of Salazar-Espinoza's pleas or any aspect of the sentence that falls outside the scope of the appeal waiver. We, therefore, affirm as to those issues, and grant in part the government's motion for summary affirmance. Having found no arguable issues as to the enforceability of the appeal waiver, we dismiss the remainder of the appeal. *See United States v. Watson*, 582 F.3d 974, 988 (9th Cir. 2009).

The government's motion to file under seal its motion to seal and its motion for summary affirmance is **GRANTED**. The Clerk will maintain under seal the motions submitted at Docket Entry Nos. 32-1 and 32-2.

Counsel's motion to withdraw is **GRANTED**. Salazar-Espinoza's request to appoint new counsel is **DENIED**.

AFFIRMED in part; DISMISSED in part.