

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUL 21 2021

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

DAVID ANTHONY HURTADO, Jr., AKA
David Huntain Huntain, AKA David
Anthony Huntann,

Defendant-Appellant.

No. 20-50221

D.C. No. 5:18-cr-00279-PA-1

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Percy Anderson, District Judge, Presiding

Submitted July 19, 2021**

Before: SCHROEDER, SILVERMAN, and MURGUIA, Circuit Judges.

David Anthony Hurtado, Jr., appeals from the district court's judgment and challenges his guilty-plea convictions and aggregate 240-month sentence for possession with intent to distribute methamphetamine, in violation of 21 U.S.C.

* 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).

§ 841(a)(1) and (b)(1)(A)(viii), and being a felon in possession of a firearm and ammunition, in violation of 18 U.S.C. § 922(g)(1). Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Hurtado'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 Hurtado the opportunity to file a pro se supplemental brief. No pro se supplemental brief or answering brief has been filed.

Hurtado waived his right to appeal his convictions, with the exception of an appeal based on a claim that his pleas were involuntary. Hurtado 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 Hurtado's pleas or any aspect of the sentence that falls outside the scope of the appeal waiver. We, therefore, affirm as to those issues. 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).

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

AFFIRMED in part; DISMISSED in part.