

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

FEB 18 2022

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

GUSTAVO ALFONSO OROZCO-
QUINTERO, AKA Gustavo Orozco-
Quintero, AKA Tito,

Defendant-Appellant.

No. 21-10172

D.C. No.

4:18-cr-02067-RCC-EJM-5

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Raner C. Collins, District Judge, Presiding

Submitted February 15, 2022**

Before: FERNANDEZ, TASHIMA, and FRIEDLAND, Circuit Judges.

Gustavo Alfonso Orozco-Quintero appeals from his guilty-plea conviction and 96-month sentence. *See* 21 U.S.C. §§ 841(a)(1), (b)(1)(A)(vi), and 846.

Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Orozco-Quintero's counsel

* 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).

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 Orozco-Quintero the opportunity to file a pro se supplemental brief. No pro se supplemental brief or answering brief has been filed.

Orozco-Quintero 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.

We remand the case to the district court with instructions to amend the judgment to reflect the correct description of the offense of conviction: conspiracy to possess with intent to distribute fentanyl, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(A)(vi), and 846.

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

DISMISSED; REMANDED to correct the judgment.