

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAR 23 2022

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

ARNALDO SANCHEZ TORTEYA, AKA
Elroncoluna,

Defendant-Appellant.

No. 21-10186

D.C. No.

2:17-cr-00306-JCM-VCF-5

MEMORANDUM*

Appeal from the United States District Court
for the District of Nevada
James C. Mahan, District Judge, Presiding

Submitted March 16, 2022**

Before: SILVERMAN, MILLER, and BUMATAY, Circuit Judges.

Arnaldo Sanchez Torteya appeals from the district court's judgment and challenges his guilty-plea conviction and 96-month sentence for racketeering conspiracy, in violation of 18 U.S.C. § 1962(d). Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Sanchez Torteya's counsel has filed a brief stating that there

* 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).

are no grounds for relief, along with a motion to withdraw as counsel of record.

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

Sanchez Torteya waived his right to appeal his conviction and sentence. The arguments Sanchez Torteya instructed counsel to include in the *Anders* brief are covered by the waiver, and 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.