

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

AUG 22 2023

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

No. 23-10020

Plaintiff-Appellee,

D.C. No. 4:03-cr-00717-DCB-JR-1

v.

MEMORANDUM*

LEONEL ERNESTO VILLASENOR,

Defendant-Appellant.

Appeal from the United States District Court
for the District of Arizona
David C. Bury, District Judge, Presiding

Submitted August 15, 2023**

Before: TASHIMA, S.R. THOMAS, and FORREST, Circuit Judges.

Leonel Ernesto Villasenor appeals from the district court's order denying his motion for compassionate release under 18 U.S.C. § 3582(c)(1)(A)(i). Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Villasenor's counsel has filed a brief stating that there are no grounds for relief, along with a motion to withdraw as

* 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).

counsel of record. We have provided Villasenor the opportunity to file a pro se supplemental brief. No pro se supplemental brief or answering brief has been filed.

Our independent review of the record pursuant to *Penson v. Ohio*, 488 U.S. 75, 80 (1988), discloses no arguable grounds for relief. *See United States v. Aruda*, 993 F.3d 797, 799 (9th Cir. 2021) (setting forth abuse of discretion standard for sentence reduction decisions under § 3582(c)(1)).

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

AFFIRMED.