NOT FOR PUBLICATION

FILED

OCT 29 2026

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

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA, Plaintiff - Appellee, v. EVELIO SEDENO-BADIA, Defendant - Appellant.	No. 25-4469 D.C. No. 4:21-cr-02520-RM-EJM-1 MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Rosemary Márquez, District Judge, Presiding

Submitted October 27, 2026**

Before: SILVERMAN, FORREST, and VANDYKE, Circuit Judges.

Evelio Sedeno-Badia appeals from the district court's judgment and challenges his guilty-plea conviction and 33-month sentence for importation of fentanyl in violation of 21 U.S.C. §§ 952(a) and 960(a)(1).

Sedeno-Badia's counsel filed a brief under *Anders v. California*, 386 U.S.

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* 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).

738 (1967), stating that there are no non-frivolous arguments for appeal. Sedeno-Badia has not filed a pro se supplemental brief.

In the plea agreement, Sedeno-Badia waived his right to appeal the conviction and sentence.

Our independent review of the record, *see Penson v. Ohio*, 488 U.S. 75, 80 (1988), discloses no non-frivolous issue as to whether the appeal waiver is enforceable. *See United States v. Watson*, 582 F.3d 974, 986-88 (9th Cir. 2009). We therefore dismiss the appeal. *See id.* at 988.

Counsel's motion to withdraw is granted.

DISMISSED.