

MAR 25 2008

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MARTIN DOMINGUEZ-AYALA,

Defendant - Appellant.

No. 07-30092

D.C. No. CR-05-30051-HO

MEMORANDUM*

Appeal from the United States District Court
for the District of Oregon
Michael R. Hogan, Chief District Judge, Presiding

Submitted March 18, 2008**

Before: CANBY, T.G. NELSON, and BEA Circuit Judges.

Martin Dominguez-Ayala appeals from his guilty-plea conviction and 72-month sentence imposed for possession with intent to distribute 500 or more grams of methamphetamine in violation of 21 U.S.C. §841(a)(1) and (b)(1)(A)(viii).

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

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Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Dominguez-Ayala's counsel has filed a brief stating there are no arguable grounds for relief, along with a motion to withdraw as counsel of record. We have provided the appellant the opportunity to file a pro se supplemental brief. No pro se supplemental brief or answering brief has been filed.

We have conducted an independent review of the record pursuant to *Penson v. Ohio*, 488 U.S. 75, 83 (1988), and we dismiss in light of the valid appeal waiver. *See United States v. Nguyen*, 235 F.3d 1179, 1182 (9th Cir. 2000) (appeal waiver valid when entered into knowingly and voluntarily).

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

DISMISSED.