

JAN 18 2008

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>UNITED STATES OF AMERICA,</p> <p>Plaintiff - Appellee,</p> <p>v.</p> <p>KINLEY ABNER GOODE, SR.,</p> <p>Defendant - Appellant.</p>
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No. 06-10751

D.C. No. CR-05-00067-EHC

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Arizona  
Earl H. Carroll, District Judge, Presiding

Submitted January 14, 2008\*\*

Before: HALL, O’SCANNLAIN, and PAEZ, Circuit Judges.

Kinley Abner Goode, Sr. appeals from his guilty-plea conviction and 168-month sentence for sexual abuse, in violation of 18 U.S.C. §§ 1153 and

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\* 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).

2242(2)(B). Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Goode's counsel has filed a brief stating there are no 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 reviewed the brief and conducted an independent review of the record pursuant to *Penon v. Ohio*, 488 U.S. 75, 83 (1988), and we dismiss Goode's appeal in light of the valid appeal waiver. *See United States v. Nguyen*, 235 F.3d 1179, 1182 (9th Cir. 2000).

Accordingly, counsel's motion to withdraw is **GRANTED**, and the appeal is **DISMISSED**.