

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

MAR 27 2008

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

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DAVID D. ESPINAL, aka Dirk Diggler,

Defendant - Appellant.

No. 07-10204

D.C. No. CR-02-00176-DAE-01

MEMORANDUM*

Appeal from the United States District Court
for the District of Hawaii
Honorable David A. Ezra, U.S. District Judge, Presiding

Submitted March 18, 2008**

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

David D. Espinal appeals from his 190-month sentence imposed following his guilty-plea conviction for conspiracy to distribute and possess with intent to distribute in excess of 50 grams of methamphetamine, in violation of 21 U.S.C.

* 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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§ 846, and conspiracy to engage in money laundering, in violation of 18 U.S.C.

§ 1956. Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Espinal'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 conducted an independent review of the record pursuant to *Penson v. Ohio*, 488 U.S. 75, 83 (1988). We dismiss the appeal in light of the valid appeal waiver. *See United States v. Nguyen*, 235 F.3d 1179, 1182 (9th Cir. 2000).

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

DISMISSED.