

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

August 21, 2012

Lyle W. Cayce
Clerk

No. 12-40037
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

FIDENCIO ALBERTO CASTILLO-SAUCEDO, also known as Jose Castillo-Espinoza,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 7:11-CR-1387-1

Before SMITH, ELROD, and SOUTHWICK, Circuit Judges.

PER CURIAM:*

The Federal Public Defender appointed to represent Fidencio Alberto Castillo-Saucedo has moved for leave to withdraw and has filed a brief in accordance with *Anders v. California*, 386 U.S. 738 (1967), and *United States v. Flores*, 632 F.3d 229 (5th Cir. 2011). Castillo-Saucedo has filed a response. We have reviewed counsel's brief and the relevant portions of the record reflected therein, as well as Castillo-Saucedo's response. We concur with counsel's

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

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assessment that the appeal presents no nonfrivolous issue for appellate review. Castillo-Saucedo's response claims he deserves a sentence credit. District courts are not authorized under 18 U.S.C. § 3585 to compute service credit. Prisoners may seek administrative review of the computation of their credit; they may pursue judicial review of their sentence computation only after exhausting their administrative remedies. *United States v. Dowling*, 962 F.2d 390, 393 (5th Cir. 1992). There is no allegation here that he exhausted his administrative remedies regarding this claim. Accordingly, counsel's motion for leave to withdraw is GRANTED, counsel is excused from further responsibilities herein, and the APPEAL IS DISMISSED. *See* 5TH CIR. R. 42.2. Castillo-Saucedo's motion to appoint new appellate counsel is DENIED.