

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

No. 14-40867
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

May 15, 2015

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

FELIX GARCIA-ESPINOZA,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 5:13-CR-5-1

Before HIGGINBOTHAM, JONES, and HIGGINSON, Circuit Judges.

PER CURIAM:*

The Federal Public Defender appointed to represent Felix Garcia-Espinoza 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). Garcia-Espinoza has not filed a response.

Garcia-Espinoza voluntarily dismissed his prior appeal, which places him the position of someone who has never filed an appeal. *See Colbert v.*

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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Brennan, 752 F.3d 412, 416 (5th Cir. 2014). His most recent notice of appeal is untimely, but that is no jurisdictional bar in this criminal appeal. *See United States v. Martinez*, 496 F.3d 387, 388-89 (5th Cir. 2007). We therefore have jurisdiction to consider the merits of the appeal.

We have reviewed counsel's brief and the relevant portions of the record reflected therein. We concur with counsel's assessment that the appeal presents no nonfrivolous issue for appellate review. 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.