

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

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No. 14-41223  
Conference Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**

October 22, 2015

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

JOHNNY NOE APARICIOABARCA, also known as Johnny Noe Aparcio, also known as Jonny Noe Aparicio-Abarea, also known as Jonny Noe Aparicio, also known as Johnny Noe Aparicio-Abarca, also known as Jonny Noe Aparicio Abarca,

Defendant-Appellant

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 4:11-CR-428-1

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Before HIGGINBOTHAM, DENNIS, and HIGGINSON, Circuit Judges.

PER CURIAM:\*

The Federal Public Defender appointed to represent Johnny Noe Aparicioabarca 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). Aparicioabarca has filed a response.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

No. 14-41223

We have reviewed counsel's brief and the relevant portions of the record reflected therein, as well as Aparicioabarca's response. We concur with counsel's assessment that the appeal presents no nonfrivolous issue for appellate review. If Aparicioabarca wishes to challenge the Attorney General's decision regarding the calculation of his sentence, he must first exhaust his administrative remedies through the Bureau of Prisons and then may file a habeas corpus petition pursuant to 28 U.S.C. § 2241. *See United States v. Gabor*, 905 F.2d 76, 78 (5th Cir. 1990). 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.*