

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

No. 15-40788
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

March 4, 2016

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

HERBERT FRANKLIN VANEGAS, also known as Herbert Franklin Vanegas-Ortiz,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 5:14-CR-799

Before WIENER, HIGGINSON, and COSTA, Circuit Judges.

PER CURIAM:*

The Federal Public Defender appointed to represent Herbert Franklin Vanegas 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). Vanegas has not filed a response.

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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. 15-40788

We have reviewed counsel's brief and the relevant portions of the record reflected therein. Although counsel addresses the validity of Vanegas's appeal waiver, counsel does not discuss the district court's compliance with Federal Rule of Criminal Procedure 11. An appeal waiver in the plea agreement does not waive the district court's compliance with Rule 11 or the need to brief this issue adequately in an *Anders* brief. *See United States v. Carreon-Ibarra*, 673 F.3d 358, 362 n.3 (5th Cir. 2012); *see also United States v. Brown*, 328 F.3d 787, 789-90 (5th Cir. 2003). Nevertheless, our independent review confirms that the guilty plea was knowing and voluntary. We therefore 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.