

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

United States Court of Appeals
Fifth Circuit

FILED

May 23, 2019

Lyle W. Cayce
Clerk

No. 17-11455
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

KATHRYN GRACE DIRKS,

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:14-CR-374-3

Before HIGGINSON, COSTA, and HO, Circuit Judges.

PER CURIAM:*

The attorney appointed to represent Kathryn Grace Dirks 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). Dirks has not filed a response. We have reviewed counsel's briefs and the relevant portions of the record reflected therein. Regardless of potentially nonfrivolous issues that have been previously identified, it is dispositive that

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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the Government has declined to waive the untimeliness of the appeal. *See United States v. Pesina-Rodriguez*, 825 F.3d 787, 788 (5th Cir. 2016). Therefore, without prejudice to a future 28 U.S.C. § 2255 motion that Dirks may file, 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.