

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

United States Court of Appeals
Fifth Circuit

FILED

January 4, 2019

Lyle W. Cayce
Clerk

No. 18-10183
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

GONZALO DE LA HOYA-SANCHEZ,

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:17-CR-411-1

Before DENNIS, CLEMENT, and SOUTHWICK, Circuit Judges.

PER CURIAM:*

The Federal Public Defender appointed to represent Gonzalo De La Hoya-Sanchez 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). De La Hoya-Sanchez has filed a response. We have reviewed counsel's brief and the relevant portions of the

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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record reflected therein, as well as De La Hoya-Sanchez's response. We concur with counsel's assessment that the appeal presents no nonfrivolous issue for appellate review. To the extent that De La Hoya-Sanchez's response challenges the Bureau of Prisons' calculation of his release date based on his award of one-month credit in the district court's sentence, his remedy should be sought in a habeas petition under 28 U.S.C. § 2241. *See Padilla v. United States*, 416 F.3d 424, 426 (5th Cir. 2005). 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.