

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

No. 19-50111
Conference Calendar

United States Court of Appeals
Fifth Circuit

FILED

November 4, 2019

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

RAUL GIL-GUTIERREZ,

Defendant-Appellant

Cons w/ No. 19-50113

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

RAUL GIL-GUTIERREZ, also known as Raul Gill-Gutierrez,

Defendant-Appellant

Appeals from the United States District Court
for the Western District of Texas
USDC No. 4:18-CR-467-1
USDC No. 4:18-CR-843-1

No. 19-50111
c/w No. 19-50113

Before HAYNES, DUNCAN, and ENGELHARDT, Circuit Judges.

PER CURIAM:*

The Federal Public Defender appointed to represent Raul Gil-Gutierrez 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). Gil-Gutierrez has filed a response.

We have reviewed counsel's brief and the relevant portions of the records reflected therein, as well as Gil-Gutierrez's response. The *Anders* brief asserts that an examination of Gil-Gutierrez's guilty plea conviction is unnecessary pursuant to *United States v. Garcia*, 483 F.3d 289, 291 (5th Cir. 2007), on the ground that Gil-Gutierrez indicated in writing that he wished to appeal only his sentence on the new law offense. Copies of purported *Garcia* waivers are attached to the brief, but the documents do not make clear whether Gil-Gutierrez intended to forgo a challenge to his guilty plea, his revocation, or both. In addition, Gil-Gutierrez asserts in his pro se response that he wishes to appeal his guilty plea. Regardless, counsel's brief also addresses whether there is a nonfrivolous basis for challenging the guilty plea conviction, and the record includes the necessary transcripts.

Even considering Gil-Gutierrez's arguments regarding his guilty plea, we concur with counsel's assessment that the appeals present no nonfrivolous issue for appellate review. *See Anders*, 386 U.S. at 744. Accordingly, the motion for leave to withdraw is GRANTED, counsel is excused from further responsibilities herein, and the APPEALS ARE DISMISSED. *See 5TH CIR. R. 42.2.*

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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