

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

August 14, 2023

Lyle W. Cayce
Clerk

No. 23-50534

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

ERIKA GISELLE MARTINEZ,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 2:21-CR-733-2

Before DENNIS, ENGELHARDT, and OLDHAM, *Circuit Judges.*

PER CURIAM:*

Erika Giselle Martinez appeals the order of the district court denying her motion to extend her self-surrender date to allow time for the appeal of her conviction to be resolved. A request for a self-surrender date, or extension thereof, is a request for release on bail pending execution of sentence or pending appeal, as the case may be, under 18 U.S.C. § 3143. *See, e.g., United States v. Roeder*, 807 F. App'x 157, 159-61 (3d Cir. 2020). Since

* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

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Martinez is seeking an extension of her self-surrender date to allow time for the appeal of her conviction to play out, she is seeking release on bail pending appeal under § 3143(b). Rule 9(a)(1) of the Federal Rules of Appellate Procedure provides “[t]he district court must state in writing, or orally on the record, the reasons for an order regarding the release or detention of a defendant in a criminal case.” *See* FED. R. APP. P. 9(b) (applying the requirements of subsection (a) to requests for release after judgment of conviction). Here, the district court provided neither oral nor written reasons for its denial. Accordingly, we REMAND to the district court for the limited purpose of providing written reasons for the denial.