

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

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No. 18-50947  
c/w No. 18-50948  
Conference Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**

July 30, 2019

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

EDUARDO ALEMAN-BRIEVA, also known as Francisco Javier Magdaleno-  
Vasquez,

Defendant-Appellant

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Appeals from the United States District Court  
for the Western District of Texas  
USDC No. 4:16-CR-396-1  
USDC No. 4:18-CR-204-1

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Before REAVLEY, OWEN, and GRAVES, Circuit Judges.

PER CURIAM:\*

The Federal Public Defender appointed to represent Eduardo Aleman-Brieva 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

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\* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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229 (5th Cir. 2011). Aleman-Brieva has not filed a response. We have reviewed counsel's brief and the relevant portions of the records reflected therein.

These consolidated appeals involve the revocation of a term of supervised release and a new conviction for possession of marijuana with the intent to distribute. Pursuant to *United States v. Garcia*, 483 F.3d 289, 291 (5th Cir. 2007), the *Anders* brief states that Aleman-Brieva wishes to appeal only his sentence for the new marijuana conviction. Although counsel has included a copy of a document signed by Aleman-Brieva, this document does not make it clear whether he intends to forgo a challenge only to his plea for the marijuana conviction or to both that conviction and the revocation of his supervised release. Nevertheless, the record includes the transcripts we need to review the record independently, and our review has not uncovered any nonfrivolous basis for appeal of either proceeding. *See Anders*, 386 U.S. at 744.

We concur with counsel's assessment that the appeals present 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 APPEALS ARE DISMISSED. *See 5TH CIR. R. 42.2.*