

United States Court of Appeals for the Fifth Circuit

No. 23-30698
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

November 5, 2024

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

SIDNEY SIMON,

Defendant—Appellant.

Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. 2:22-CR-41-1

Before SMITH, STEWART, and DUNCAN, *Circuit Judges*.

PER CURIAM:*

The attorney appointed to represent Sidney Simon has moved for leave to withdraw and has filed briefs in accordance with *Anders v. California*, 386 U.S. 738 (1967), and *United States v. Flores*, 632 F.3d 229 (5th Cir. 2011). Simon has not filed a response. We have reviewed counsel's briefs and the relevant portions of the record reflected therein.

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

No. 23-30698

It is dispositive that 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). Accordingly, without prejudice to a future 28 U.S.C. § 2255 motion that Simon 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.*