

United States Court of Appeals for the Fifth Circuit

No. 23-40071
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

June 20, 2024

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

HAYDEN MICHAEL ESPINOSA,

Defendant—Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 2:21-CR-1079-1

Before HIGGINBOTHAM, STEWART, and SOUTHWICK, *Circuit
Judges.*

PER CURIAM:*

The attorney appointed to represent Hayden Michael Espinosa 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

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

No. 23-40071

Cir. 2011). Espinosa has not filed a response. We have reviewed counsel's briefs and the relevant portions of the record reflected therein.

Espinosa filed his notice of appeal after the 14-day deadline in Federal Rule of Appellate Procedure 4(b)(1)(A)(i) but within the 30-day extension window in Rule 4(b)(4). Although we could remand the case for a good-cause determination, *see United States v. Golding*, 739 F.2d 183, 184 (5th Cir. 1984), the time limit is not jurisdictional, *United States v. Martinez*, 496 F.3d 387, 388-89 (5th Cir. 2007). Therefore, we pretermitt the timeliness issue. *See id.*; 5TH CIR. R. 42.2.

We concur with counsel's assessment that, even if the appeal is not dismissed as untimely, the appeal presents 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 appeal is DISMISSED. *See* 5TH CIR. R. 42.2.