

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

February 8, 2024

Lyle W. Cayce
Clerk

No. 23-40135

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

CORTESE SEARS,

Defendant—Appellant.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 4:20-CR-203-1

Before ELROD, WILLETT, and DUNCAN, *Circuit Judges.*

PER CURIAM:*

The attorney appointed to represent Cortese Sears has moved for leave to withdraw and has filed a brief that relies on *Anders v. California*, 386 U.S. 738 (1967). Sears has not filed a response.

Counsel's brief is inadequate in the following respect. Counsel has not addressed whether there is a nonfrivolous issue for appeal on plain error review as to whether Sears's conviction under 18 U.S.C. § 922(g)(1) violates

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

No. 23-40135

the Second Amendment in light of *New York State Rifle & Pistol Ass'n v. Bruen*, 597 U.S. 1 (2022), and whether such a challenge is barred by the appeal waiver in Sears's plea agreement.

Counsel is ORDERED to file within 30 days a supplemental *Anders* brief addressing the above issue or, in the alternative, a brief on the merits addressing any nonfrivolous issues that counsel deems appropriate.

The motion to withdraw is CARRIED with the case. This motion will be considered moot if a merits brief is filed.