

United States Court of Appeals for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

August 6, 2024

Lyle W. Cayce
Clerk

No. 23-50766
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

LUIS ROBERTO PUERTO-ZAPATAS,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 2:22-CR-2376-1

Before WIENER, HO, and RAMIREZ, *Circuit Judges.*

PER CURIAM:*

The attorney appointed to represent Luis Roberto Puerto-Zapatas 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 229 (5th Cir. 2011). Puerto-Zapatas has not filed a response. We have reviewed counsel's brief and the relevant portions of the record reflected therein. As

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

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a threshold matter, we note that despite counsel's representation to the contrary, the notice of appeal was filed one day late. However, as this is not a jurisdictional impediment to our review, *see United States v. Martinez*, 496 F.3d 387, 388-89 (5th Cir. 2007), we pretermitted the issue of timeliness.

We concur with counsel's assessment that 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.*