

# United States Court of Appeals for the Fifth Circuit

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No. 24-30735  
Summary Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**

June 23, 2025

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

*Plaintiff—Appellee,*

*versus*

KERRY BROOKS,

*Defendant—Appellant.*

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Appeal from the United States District Court  
for the Eastern District of Louisiana  
USDC No. 2:20-CR-84-3

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Before HAYNES, HIGGINSON, and DOUGLAS, *Circuit Judges*.

PER CURIAM:\*

The attorney appointed to represent Kerry Brooks 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). Brooks has not filed a response. We have reviewed counsel's brief and the relevant portions of the record reflected therein.

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



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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 Brooks 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.