

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

June 2, 2021

Lyle W. Cayce
Clerk

No. 20-11019
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

GABRIEL SEPULVEDA MANRIQUEZ,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 5:19-CR-142-3

Before DAVIS, ELROD, and OLDHAM, *Circuit Judges.*

PER CURIAM:*

The attorney appointed to represent Gabriel Sepulveda Manriquez 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). Sepulveda Manriquez has filed a response.

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

No. 20-11019

The record is insufficiently developed to permit consideration of Sepulveda Manriquez's arguments that he was mentally incompetent to enter his guilty plea and appeal waiver and that he pleaded guilty only because of defense counsel's alleged assurance that the sentences on his two counts of conviction would not run consecutively. *See United States v. Corbett*, 742 F.2d 173, 176-78 (5th Cir. 1984). Such arguments should be raised in a 28 U.S.C. § 2255 motion. *Id.* at 178 n.11.

We have reviewed counsel's brief and the relevant portions of the record reflected therein, as well as Sepulveda Manriquez's response. 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. Sepulveda Manriquez's pro se motion for appointment of new counsel is DENIED as untimely. *See United States v. Wagner*, 158 F.3d 901, 902-03 (5th Cir. 1998).