

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

June 3, 2022

Lyle W. Cayce
Clerk

No. 21-11089
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

CESAR ENRIQUE SAENZ-LARA,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 2:20-CR-100-1

Before SMITH, STEWART, and GRAVES, *Circuit Judges.*

PER CURIAM:*

The Federal Public Defender appointed to represent Cesar Enrique Saenz-Lara 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). Saenz-Lara has not 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* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.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. 21-11089

We have reviewed counsel's brief and the relevant portions of the record reflected therein. It is dispositive that the Government has declined to waive the untimeliness of Saenz-Lara's appeal. *See United States v. Pesina-Rodriguez*, 825 F.3d 787, 788 (5th Cir. 2016). 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.