

United States Court of Appeals for the Fifth Circuit

No. 24-20486
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

December 8, 2025

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

GUSTAVO GARZA-AVALOS,

Defendant—Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:20-CR-26-17

Before KING, HAYNES, and HO, *Circuit Judges.*

PER CURIAM:*

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

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

No. 24-20486

Despite counsel's representation to the contrary, we note that the notice of appeal was untimely. 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 pretermitt 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.