

United States Court of Appeals for the Fifth Circuit

No. 25-11098
Summary Calendar

United States Court of Appeals
Fifth Circuit
FILED
September 14, 2026
Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

KHALED WALEED KHATER,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:24-CR-195-2

Before WILLETT, DUNCAN, and ENGELHARDT, *Circuit Judges*.

PER CURIAM:*

The attorney appointed to represent Khaled Waleed Khater 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). Khater has filed a response. We have reviewed counsel's brief

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

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and the relevant portions of the record reflected therein, as well as Khater's response.

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 Khater 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.