

United States Court of Appeals
for the Fifth Circuit

No. 25-50292
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

October 2, 2026

Thomas B. Plunkett, III
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

JOHN MELGAR,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 1:23-CR-44-1

Before JONES, GRAVES, and HO, *Circuit Judges*.

PER CURIAM:*

The attorney appointed to represent John Melgar 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). Melgar 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. 25-50292

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, 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.