

UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

United States v. Juvenal Delbosque

No. No. 17-10718, United States Court of Appeals for the Fifth Circuit (April 17, 2018)

SUMMARY

In this unpublished Fifth Circuit per curiam opinion, the court granted appointed counsel's motion to withdraw under **Anders v. California**, 386 U.S. 738 (1967), after finding no nonfrivolous issues for appellate review. The defendant did not respond to the motion. The court dismissed the appeal pursuant to Fifth Circuit Rule 42.2.

CASE DETAILS

COURT	United States Court of Appeals for the Fifth Circuit
WRITING FOR THE COURT	Per Curiam; Davis; Haynes; Costa
JURISDICTION	Federal
DECIDED	April 17, 2018
DOCKET	No. 17-10718
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appeal from the United States District Court for the Northern District of Texas; counsel filed an Anders brief.
PRECEDENTIAL VALUE	unpublished
PARTIES	Juvenal Delbosque v. United States of America

TOPICS

- criminal procedure
- appellate procedure

PRACTICE AREAS

- Criminal Law
- Appellate Procedure

QUESTIONS PRESENTED

1. Whether the appeal presents any nonfrivolous issues for appellate review.

HOLDINGS

1. The court concurs with counsel's assessment that the appeal presents no nonfrivolous issue for appellate review.

KEY QUOTATIONS

"We concur with counsel's assessment that the appeal presents no nonfrivolous issue for appellate review."
(Page 2)

"Accordingly, counsel's motion for leave to withdraw is GRANTED, counsel is excused from further responsibilities herein, and the APPEAL IS DISMISSED." (Page 2)

FACTUAL BACKGROUND

The opinion does not discuss the underlying facts of the case. It is a per curiam order granting counsel's motion to withdraw and dismissing the appeal as frivolous.

PROCEDURAL HISTORY

The defendant appealed his conviction. The Federal Public Defender appointed to represent him moved to withdraw pursuant to *Anders v. California*, 386 U.S. 738 (1967), and filed a brief stating that the appeal presented no nonfrivolous issues.

DISPOSITION

dismissed

CASES CITED

- *Anders v. California*, 386 U.S. 738 (1967)
- *United States v. Flores*, 632 F.3d 229 (5th Cir. 2011)

OPINION

PER CURIAM.

Case: 17-10718 Document: 00514432991 Page: 1 Date Filed: 04/17/2018 IN THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT No. 17-10718 United States Court of Appeals Fifth Circuit Conference Calendar FILED April 17, 2018 Lyle W. Cayce UNITED STATES OF AMERICA, Clerk Plaintiff-Appellee v. JUVENAL DELBOSQUE, Defendant-Appellant Appeal from the United States District Court for the Northern District of Texas USDC No. 3:15-CR-303-1 Before DAVIS, HAYNES, and COSTA, Circuit Judges.

PER CURIAM: * The Federal Public Defender appointed to represent Juvenal Delbosque 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). Delbosque has not filed a response.

We have reviewed counsel's brief and the relevant portions of the record reflected therein. We concur with counsel's assessment that the appeal presents no nonfrivolous * Pursuant to 5TH CIR. R. 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 CIR. R. 47.5.4.

Case: 17-10718 Document: 00514432991 Page: 2 Date Filed: 04/17/2018 No. 17-10718 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. 2