

UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

United States v. Kimberly Bankston

No. 18-10676, United States Court of Appeals for the Fifth Circuit (April 4, 2019)

SUMMARY

Fifth Circuit granted counsel's motion to withdraw and dismissed the appeal as frivolous under **Anders v. California**, 386 U.S. 738 (1967), and **United States v. Flores**, 632 F.3d 229 (5th Cir. 2011). The court denied the defendant's pro se motions for record copies, extension of time, and appointment of new counsel, finding no nonfrivolous issues for appellate review. This unpublished per curiam opinion addresses the standards for Anders briefs and dismissal of frivolous criminal appeals.

CASE DETAILS

COURT	United States Court of Appeals for the Fifth Circuit
WRITING FOR THE COURT	Davis; Jones; Duncan
JURISDICTION	Federal
DECIDED	April 4, 2019
DOCKET	18-10676
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appeal from the United States District Court for the Northern District of Texas, USDC No. 4:17-CR-197-6
PRECEDENTIAL VALUE	unpublished
PARTIES	Kimberly Renee Bankston v. United States of America

TOPICS

- criminal procedure
- appellate procedure
- standard of review

PRACTICE AREAS

- Criminal Law
- Appellate Practice

QUESTIONS PRESENTED

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

HOLDINGS

1. 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.”
(at 2)

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

FACTUAL BACKGROUND

Bankston was convicted of an unspecified offense in the district court. She appealed, and her appointed counsel filed an Anders brief asserting that the appeal lacks merit. Bankston filed a response requesting record copies and an extension of time, and alternatively seeking new counsel.

PROCEDURAL HISTORY

The defendant was convicted in the district court and appealed. Her appointed counsel filed a motion to withdraw and an Anders brief asserting that the appeal lacks merit. Bankston filed a response requesting record copies and an extension of time, and alternatively seeking new counsel.

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: 18-10676 Document: 00514902320 Page: 1 Date Filed: 04/04/2019 IN THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT United States Court of Appeals Fifth Circuit No. 18-10676 FILED Conference Calendar April 4, 2019 Lyle W. Cayce Clerk UNITED STATES OF AMERICA, Plaintiff-Appellee v. KIMBERLY RENEE BANKSTON, Defendant-Appellant Appeal from the United States District Court for the Northern District of Texas USDC No. 4:17-CR-197-6 Before DAVIS, JONES, and DUNCAN, Circuit Judges.

PER CURIAM: * The attorney appointed to represent Kimberly Renee Bankston 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). Bankston has filed a response

that includes a request to have counsel provide her with record copies and for an extension of time so that she * 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: 18-10676 Document: 00514902320 Page: 2 Date Filed: 04/04/2019 No. 18-10676 may assist counsel in preparing her appeal. Alternatively, she moves for the appointment of new counsel. Bankston's pro se motions are DENIED.

We have reviewed counsel's brief and the relevant portions of the record reflected therein, as well as Bankston's response. 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. 2