

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 This unpublished per curiam opinion addresses the standards for Anders briefs and dismissal of frivolous criminal appeals.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| PRECEDENTIAL VALUE    | unpublished                                                                                             |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)