

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

June 9, 2023

Lyle W. Cayce
Clerk

No. 22-40732
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

WALTER YOVANY MOLINA-MENDOZA,

Defendant—Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 7:22-CR-756-1

Before KING, HIGGINSON, and WILLETT, *Circuit Judges.*

PER CURIAM:*

The Federal Public Defender appointed to represent Walter Yovany Molina-Mendoza 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). Molina-Mendoza has not filed a response. We have reviewed counsel's brief and the relevant portions of the

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

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record reflected therein. Because the issue of whether the district court plainly erred in awarding Molina-Mendoza three criminal history points for his deadly weapon conviction is nonfrivolous, counsel's motion for leave to withdraw is DENIED and counsel is directed to file a brief on the merits addressing this issue and any other nonfrivolous issues that counsel deems appropriate.