

United States Court of Appeals for the Fifth Circuit

No. 24-30569
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED
May 21, 2025
Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

GABRIEL HAWTHORNE,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 6:23-CR-90-1

Before WIENER, HO, and RAMIREZ, *Circuit Judges.*

PER CURIAM:*

In this appeal from the district court’s postjudgment ruling on Gabriel Hawthorne’s motion to unseal voir dire transcripts, the attorney appointed to represent Hawthorne has moved for leave to withdraw as counsel. Counsel has also filed a brief and incorporated motion to withdraw in accordance with *Anders v. California*, 386 U.S. 738 (1967), and *United States*

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

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v. Flores, 632 F.3d 229 (5th Cir. 2011). Hawthorne has filed responses to both motions.

We may only exercise jurisdiction over final orders and certain interlocutory or collateral orders. *See* 28 U.S.C. §§ 1291, 1292; *Dardar v. Lafourche Realty Co.*, 849 F.2d 955, 957 (5th Cir. 1988). The district court's order regarding Hawthorne's motion to unseal voir dire transcripts, which Hawthorne stated he needed in order to prepare a 28 U.S.C. § 2255 motion, is neither final nor otherwise appealable. *See Dardar*, 849 F.2d at 957; *Mohawk Indus., Inc. v. Carpenter*, 558 U.S. 100, 106 (2009); *see also Goodman v. Harris Cnty.*, 443 F.3d 464, 467 (5th Cir. 2006); *Henry v. Lake Charles Am. Press, L.L.C.*, 566 F.3d 164, 174 (5th Cir. 2009). Because we lack jurisdiction, the appeal is DISMISSED.

Furthermore, counsel has made the requisite showing to withdraw as counsel in the instant appeal. *See* FIFTH CIRCUIT PLAN UNDER THE CRIMINAL JUSTICE ACT § 5(B); *United States v. Powell*, 468 F.3d 862, 863 (5th Cir. 2006). Counsel's motion to withdraw which is incorporated in his *Anders* brief is GRANTED as to the instant appeal, and his initial motion to withdraw is DENIED as moot.