

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

March 28, 2024

Lyle W. Cayce
Clerk

No. 23-10272

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

DANIEL MARQUEZ HERNANDEZ,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:17-CR-316-1

Before JOLLY, SMITH, and HAYNES, *Circuit Judges.*

PER CURIAM:*

The attorney appointed to represent Daniel Marquez Hernandez 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), as well as a supplemental *Anders* brief regarding the Supreme Court's ruling in *New York State Rifle & Pistol Ass'n v. Bruen*, 142 S. Ct. 2111 (2022). Marquez Hernandez has filed a response to both brief, and he alleges

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

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that the district court made a mathematical error in calculating his sentence. This argument is without merit, because the record does not reflect a sentencing error and Marquez Hernandez's appeal waiver makes no exception for erroneous guidelines assessments. We have reviewed counsel's briefs, Marquez Hernandez's responses, and the relevant portions of the record reflected therein. 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.