

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 17-40382
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

November 16, 2017

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

BENITO MARTINEZ-IPINA,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 5:16-CR-1394-1

Before DAVIS, CLEMENT, and COSTA, Circuit Judges.

PER CURIAM:*

The Federal Public Defender appointed to represent Benito Martinez-
Ipina 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). Martinez-
Ipina has submitted an untimely response
challenging his conviction. Even if it were timely, because the record reflects
that Martinez-
Ipina knowingly decided not to appeal his conviction, we will not

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

No. 17-40382

address the issues raised in his response. *See United States v. Polanco-Ozorto*, 772 F.3d 1053, 1054-55 (5th Cir. 2014). We have reviewed counsel's brief 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.