

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

No. 18-50060
Conference Calendar

United States Court of Appeals
Fifth Circuit

FILED

October 10, 2018

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

JESUS HUMBERTO ESQUIVEL,

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Texas
USDC No. 7:17-CR-220-1

Before DENNIS, CLEMENT, and SOUTHWICK, Circuit Judges.

PER CURIAM:*

The attorney appointed to represent Jesus Humberto Esquivel 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). Esquivel has not filed a response.

While counsel addresses the validity of the appeal waiver in Esquivel's plea agreement, counsel does not discuss the district court's compliance with

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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Federal Rule of Criminal Procedure 11. An appellate waiver does not waive the district court's compliance with Rule 11 or the need for counsel to brief the issue adequately in an *Anders* brief. *See United States v. Carreon-Ibarra*, 673 F.3d 358, 362 n.3 (5th Cir. 2012); *United States v. Brown*, 328 F.3d 787, 789-90 (5th Cir. 2003). However, our independent review confirms that the guilty plea was knowing and voluntary. We thus concur with counsel's assessment that the appeal presents no nonfrivolous issue for appellate review. Therefore, 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.