

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

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No. 18-50090  
c/w No. 18-50091  
Conference Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**  
January 15, 2019

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

AURELIO VALENZUELA-BUSTILLOS,

Defendant-Appellant

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Appeals from the United States District Court  
for the Western District of Texas  
USDC No. 4:12-CR-542-2  
USDC No. 4:17-CR-267-1

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Before HIGGINSON, COSTA, and HO, Circuit Judges.

PER CURIAM:\*

The Federal Public Defender appointed to represent Aurelio Valenzuela-Bustillos 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). Aurelio Valenzuela-Bustillos has not filed a response.

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\* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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We have reviewed counsel's brief and the relevant portions of the record reflected therein. The *Anders* brief pretermits discussion of Valenzuela-Bustillos's guilty plea and revocation of supervised release pursuant to *United States v. Garcia*, 483 F.3d 289, 291 (5th Cir. 2007), on the ground that Valenzuela-Bustillos indicated in writing that he wished to appeal only his sentences. A copy of the purported *Garcia* waiver is attached to the brief, but the document does not make clear whether Valenzuela-Bustillos intended to forgo a challenge to his guilty plea, his revocation, or both. Nevertheless, Valenzuela-Bustillos has not disputed counsel's characterization of the document as applying to both. In addition, the record includes the transcripts we needed to review the record independently, and our review has not uncovered any nonfrivolous basis for challenging the guilty plea or the revocation. *See Anders*, 386 U.S. at 744.

Thus, we concur with counsel's assessment that the appeals present 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 APPEALS ARE DISMISSED. *See 5TH CIR. R. 42.2.*