

United States Court of Appeals
For the Eighth Circuit

No. 19-3263

United States of America

Plaintiff - Appellee

v.

Carlos Exinia, Jr.

Defendant - Appellant

Appeal from United States District Court
for the Southern District of Iowa - Des Moines

Filed: October 14, 2020
[Unpublished]

Before LOKEN, SHEPHERD, and STRAS, Circuit Judges.

PER CURIAM.

Carlos Exinia appeals the sentence imposed by the district court¹ after he pleaded guilty to drug and firearm offenses. His appointed counsel has moved for leave to withdraw, and has filed a brief under Anders v. California, 386 U.S. 738

¹The Honorable Rebecca Goodgame Ebinger, United States District Judge for the Southern District of Iowa.

(1967) (describing the duties of appointed counsel when counsel concludes that a direct criminal appeal is frivolous and moves to withdraw). Exinia has filed motions for appointment of counsel.

Upon careful review, we conclude that the brief filed by Exinia's counsel falls short of the requirements of Anders. Although the brief identifies potential issues, instead of identifying possible arguments for reversal, it offers only arguments in favor of affirming the district court. We have been clear that “Anders ‘briefing must be done as an *advocate*,’” Evans v. Clarke, 868 F.2d 267, 268 (8th Cir. 1989) (citation omitted), and, that “[c]ounsel [does] not act as an advocate for [appellant] when he brief[s] all issues in favor of the government and conclude[s appellant’s] claims [are] meritless.” Robinson v. Black, 812 F.2d 1084, 1086 (8th Cir. 1987).

Counsel's motion to withdraw is denied and appellant's counsel is ordered to file, within 30 days, a brief which complies with the requirements of Anders.
