

NONPRECEDENTIAL DISPOSITION

To be cited only in accordance with
Fed. R. App. P. 32.1

United States Court of Appeals
For the Seventh Circuit
Chicago, Illinois 60604

Submitted November 26, 2013

Decided December 2, 2013

Before

WILLIAM J. BAUER, *Circuit Judge*

MICHAEL S. KANNE, *Circuit Judge*

DIANE S. SYKES, *Circuit Judge*

No. 13-2001

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

CANDIDO GONZALEZ-ALVARON,
Defendant-Appellant.

Appeal from the United States District
Court for the Northern District of Illinois,
Western Division.

No. 12 CR 50048

Philip G. Reinhard,
Judge.

ORDER

Candido Gonzalez, a Mexican citizen, was removed from the United States in 2007 after serving a six-year prison term in Illinois for delivery of cocaine. *See* 720 ILL. COMP. STAT. 570/401. He returned illegally in 2008 but managed to avoid detection until 2012 when he was arrested for driving under the influence. *See* 625 ILL. COMP. STAT. 5/11-501. Gonzalez was charged with unlawful presence in the United States after removal, *see* 8 U.S.C. § 1326(a), and pleaded guilty pursuant to a written plea agreement. The district court sentenced Gonzalez to 70 months' imprisonment. As part

of his plea agreement, Gonzalez waived his right to appeal his conviction or sentence. He nevertheless filed a notice of appeal, but his newly appointed lawyer asserts that the appeal is frivolous and moves to withdraw under *Anders v. California*, 386 U.S. 738 (1967). Gonzalez opposes counsel's motion. See 7TH CIR. R. 51(b). We limit our review to the potential issues identified in counsel's facially adequate brief and Gonzalez's response. See *United States v. Schuh*, 289 F.3d 968, 973–74 (7th Cir. 2002).

Counsel informs us that Gonzalez does not want his guilty plea set aside. Thus, counsel need not have included in his *Anders* submission an analysis of the plea colloquy and the voluntariness of Gonzalez's plea. See *United States v. Konczak*, 683 F.3d 348, 349 (7th Cir. 2012); *United States v. Knox*, 287 F.3d 667, 671–72 (7th Cir. 2002). And because an appeal waiver stands or falls with the guilty plea, *United States v. Kilcrease*, 665 F.3d 924, 929 (7th Cir. 2012); *United States v. Sakellarion*, 649 F.3d 634, 639 (7th Cir. 2011), we must enforce Gonzalez's appeal waiver. It follows that the potential sentencing issues discussed by counsel, as well as Gonzalez's contention that he should have received credit for information he relayed to the government about the possibility of an escape attempt by fellow prisoners, are frivolous.

Counsel implies that Gonzalez might have reason to file a collateral attack challenging the performance of his former lawyer, see 28 U.S.C. § 2255, but the defendant also waived that relief as part of his plea agreement, see *Dowell v. United States*, 694 F.3d 898, 901–02 (7th Cir. 2012); *Keller v. United States*, 657 F.3d 675, 681 (7th Cir. 2011).

We **GRANT** counsel's motion to withdraw and **DISMISS** the appeal.