

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

United States Court of Appeals  
Fifth Circuit

**FILED**

January 20, 2010

Charles R. Fulbruge III  
Clerk

---

No. 09-40395  
Summary Calendar

---

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

MARCOS ANTONIO HERNANDEZ-PRADO,

Defendant-Appellant

---

Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 1:08-CR-1114-1

---

Before HIGGINBOTHAM, CLEMENT, and SOUTHWICK, Circuit Judges.

PER CURIAM:\*

The Federal Public Defender appointed to represent Marcos Hernandez-Prado has moved for leave to withdraw and has filed a brief in accordance with *Anders v. California*.<sup>1</sup> Hernandez-Prado has filed a response. Our independent review of the record, counsel's brief, and Hernandez-Prado's response discloses no nonfrivolous issue for appeal. Accordingly, counsel's motion for leave to

---

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

<sup>1</sup> 386 U.S. 738 (1967).

No. 09-40395

withdraw is GRANTED, counsel is excused from further responsibilities herein, and the APPEAL IS DISMISSED.<sup>2</sup>

---

<sup>2</sup> See 5TH CIR. R. 42.2.