

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

United States Court of Appeals
Fifth Circuit

FILED

December 19, 2011

Lyle W. Cayce
Clerk

No. 11-20133
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

MERCURIO ZOROASTRO TOVAR HERNANDEZ, also known as Mercurio Tobar Hernandez, also known as Mercurio Tovar Hernandez, also known as Mercurio Zoroastro Tovar-Hernandez,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:10-CR-655-1

Before KING, HAYNES, and GRAVES, Circuit Judges.

PER CURIAM:*

The attorney appointed to represent Mercurio Zoroastro Tovar Hernandez (Tovar) 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). Tovar has filed a response seeking the appointment of new counsel. We have reviewed counsel's brief and the relevant portions of the

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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record reflected therein. We concur with counsel's assessment that the appeal presents no nonfrivolous issue for appellate review. Accordingly, counsel's motion for leave to withdraw is GRANTED, counsel is excused from further responsibilities herein, Tovar's motion to appoint new counsel is DENIED, and the APPEAL IS DISMISSED. *See* 5TH CIR. R. 42.2.