

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

United States Court of Appeals  
Fifth Circuit

**FILED**

October 15, 2012

Lyle W. Cayce  
Clerk

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No. 12-10106  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

ARMANDO MELENDEZ DE ALBA,

Defendant-Appellant

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 4:11-CR-122-1

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Before STEWART, Chief Judge, and KING and CLEMENT, Circuit Judges.

PER CURIAM:\*

The Federal Public Defender appointed to represent Armando Melendez De Alba 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). De Alba has not filed a response.

We have reviewed counsel's brief and the relevant portions of the record reflected therein. We concur with counsel's assessment that the appeal presents no nonfrivolous issue for appellate review. We further note that to the extent

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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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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that counsel might argue for the first time on appeal that the district court departed from the recommendation in U.S.S.G. § 5D1.1(c) when it imposed a three-year term of supervised release, such argument would be foreclosed under this court's recent opinion in *United States v. Dominguez-Alvarado*, \_\_F.3d\_\_, No. 11-41304, 2012 WL 3985136 at \*3 (5th Cir. Sept. 12, 2012). Accordingly, counsel's motion for leave to withdraw is GRANTED, counsel is excused from further responsibilities herein, and the APPEAL IS DISMISSED. *See* 5TH CIR. R. 42.2.