## IN THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT United States Court of Appeals Fifth Circuit

**FILED** August 21, 2012

No. 11-31163 Conference Calendar

Lyle W. Cayce Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

DAVID J. PREJEAN,

Defendant-Appellant

Appeal from the United States District Court for the Western District of Louisiana USDC No. 6:10-CR-369-3

Before SMITH, ELROD, and SOUTHWICK, Circuit Judges. PER CURIAM:<sup>\*</sup>

The attorney appointed to represent David J. Prejean 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). Prejean 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. Accordingly, counsel's motion for leave to withdraw is GRANTED, counsel is

<sup>&</sup>lt;sup>\*</sup> 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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excused from further responsibilities herein, and the APPEAL IS DISMISSED. See 5th Cir. R. 42.2.