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

FILED December 17, 2012

No. 12-40586 Conference Calendar

Lyle W. Cayce Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

VALENTIN DE LA CRUZ-SANCHEZ,

Defendant-Appellant

Appeal from the United States District Court for the Southern District of Texas USDC No. 1:12-CR-53-1

Before DAVIS, OWEN, and HIGGINSON, Circuit Judges. PER CURIAM:^{*}

The attorney appointed to represent Valentin De La Cruz-Sanchez 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 La Cruz-Sanchez 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

 $^{^*}$ 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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GRANTED, counsel is excused from further responsibilities herein, and the APPEAL IS DISMISSED. *See* 5TH CIR. R. 42.2.