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

FILED February 12, 2010

No. 09-10312 Conference Calendar

Charles R. Fulbruge III Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

COREY HOLMES, also known as Blue,

Defendant-Appellant

Appeal from the United States District Court for the Northern District of Texas USDC No. 4:06-CR-89-2

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

The Federal Public Defender appointed to represent Corey Holmes has moved for leave to withdraw and has filed a brief in accordance with *Anders v*. *California*, 386 U.S. 738 (1967). Holmes has not filed a response. Our independent review of the record and counsel's brief discloses no nonfrivolous issue for appeal. 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.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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