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

FILED October 25, 2007

No. 07-40138 Conference Calendar

Charles R. Fulbruge III Clerk

UNITED STATES OF AMERICA

Plaintiff-Appellee

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OMAR MORENO

Defendant-Appellant

Appeal from the United States District Court for the Eastern District of Texas USDC No. 1:06-CR-64-1

Before JOLLY, BENAVIDES, and STEWART, Circuit Judges.

PER CURIAM:\*

The Federal Public Defender appointed to represent Omar Moreno has moved for leave to withdraw and has filed a brief in accordance with Anders v. California, 386 U.S. 738 (1967). Moreno 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

 $<sup>^*</sup>$  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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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APPEAL IS DISMISSED. See 5TH CIR. R. 42.2. The Government's motion to dismiss the appeal is DENIED.