

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

September 12, 2008

No. 06-10181
Conference Calendar

Charles R. Fulbruge III
Clerk

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

GUILLERMO RODRIGUEZ-FLORES, also known as Memo

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:02-CR-378-2

ON REMAND FROM THE SUPREME COURT OF THE UNITED STATES

Before HIGGINBOTHAM, SMITH, and CLEMENT, Circuit Judges.

PER CURIAM:*

This court granted counsel's motion to withdraw and dismissed the appeal of Guillermo Rodriguez-Flores pursuant to *Anders v. California*.¹ The Supreme

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

¹386 U.S. 738 (1967). *United States v. Rodriguez-Flores*, 236 F. App'x 138 (2007).

Court vacated and remanded for further consideration in light of *Gall v. United States*.²

We have reconsidered this matter in light of *Gall*. However, nothing in the Supreme Court's *Gall* decision requires us to change our prior opinion in this case.³ Accordingly, we reinstate the prior opinion. Counsel's motion for leave to withdraw is GRANTED, counsel is excused from further responsibilities herein, and the APPEAL is DISMISSED.

²552 U.S. ___, 128 S.Ct. 586 (2008).

³ See *U.S. v. Rodriguez-Rodriguez*, 530 F.3d 381, 385-89 (5th Cir. 2008).