

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

February 18, 2009

Charles R. Fulbruge III
Clerk

No. 08-50398

Conference Calendar

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

RITO ESPARZA-ORTIZ, also known as Rito Sanchez-Cruz, also known as Rafael Sanchez-Cruz

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Texas
USDC No. 3:08-CR-75-ALL

Before HIGGINBOTHAM, DENNIS, and PRADO, Circuit Judges.

PER CURIAM:*

The attorney appointed to represent Rito Esparza-Ortiz has moved for leave to withdraw and has filed a brief in accordance with *Anders v. California*, 386 U.S. 738 (1967). Esparza-Ortiz 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

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

excused from further responsibilities herein, and the APPEAL IS DISMISSED.

See 5TH CIR. R. 42.2.