

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

United States Court of Appeals
Fifth Circuit

FILED

October 26, 2010

Lyle W. Cayce
Clerk

No. 09-11066
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

OMAR HERNANDEZ, also known as Pistolero, formerly known as FNU LNU -
20,

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:08-CR-267-20

Before SMITH, DENNIS, and CLEMENT, Circuit Judges.

PER CURIAM:*

The attorney appointed to represent Omar Hernandez has moved for leave to withdraw and has filed a brief in accordance with *Anders v. California*, 386 U.S. 738 (1967). Hernandez has responded by filing a motion for appointment of new counsel. Our independent review of the record, counsel's brief, and Hernandez's motion discloses no nonfrivolous issue for appeal. Accordingly, counsel's motion for leave to withdraw is GRANTED, counsel is excused from

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

No. 09-11066

further responsibilities herein, and the APPEAL IS DISMISSED. *See* 5TH CIR. R. 42.2. Hernandez's motion for appointment of new counsel is DENIED.