

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

United States Court of Appeals
Fifth Circuit

FILED

June 22, 2010

Lyle W. Cayce
Clerk

No. 09-20629

Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

XAVIER OMAR MARTINEZ LAYTON, also known as Omar Xavier Martinez,
also known as Xavier O. Martinez, also known as Xavier Omar Martinez-Layton,
also known as Xavier Omar Martinez,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:09-CR-203-1

Before JOLLY, STEWART, and OWEN, Circuit Judges.

PER CURIAM:*

The Federal Public Defender appointed to represent Xavier Omar Martinez Layton has moved for leave to withdraw and has filed a brief in accordance with *Anders v. California*, 386 U.S. 738 (1967). Martinez Layton has filed a response. Our independent review of the record, counsel's brief, and Martinez Layton's response discloses no nonfrivolous issue for appeal.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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.