

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

United States Court of Appeals  
Fifth Circuit

**FILED**

September 22, 2010

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No. 09-41114  
c/w No. 10-40082  
Summary Calendar

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Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

DARYL SAM,

Defendant-Appellant

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Appeals from the United States District Court  
for the Eastern District of Texas  
USDC No. 1:09-CR-30-1

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Before DAVIS, SMITH and SOUTHWICK, Circuit Judges.

PER CURIAM:\*

The Federal Public Defender appointed to represent Daryl Sam has moved for leave to withdraw from representation in Sam's direct criminal appeal and in his appeal from the denial of a motion for relief pursuant to 18 U.S.C. § 3582(c)(2). Counsel has filed briefs in accordance with *Anders v. California*, 386 U.S. 738 (1967). Sam has filed a response. IT IS ORDERED that Sam's

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

appeals are CONSOLIDATED. Our independent review of the record, counsel's briefs, and Sam's response discloses no nonfrivolous issue for appeal. Accordingly, counsel's motions for leave to withdraw are GRANTED, counsel is excused from further responsibilities herein, and the APPEALS ARE DISMISSED. *See* 5TH CIR. R. 42.2.