

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

United States Court of Appeals
Fifth Circuit

FILED

January 28, 2011

Lyle W. Cayce
Clerk

No. 09-51088
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

CAESAR HUMBERTO SALINAS,

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Texas
USDC No. 6:08-CR-4-7

Before WIENER, PRADO, and OWEN, Circuit Judges.

PER CURIAM:*

The attorney appointed to represent Caesar Humberto Salinas has moved for leave to withdraw and has filed a brief in accordance with *Anders v. California*, 386 U.S. 738 (1967). Salinas has not filed a response. We do not enforce the appeal waiver in light of the district court's failure to admonish Salinas of its consequences. Nevertheless, 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 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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. 09-51088

further responsibilities herein, and the APPEAL IS DISMISSED. *See* 5TH CIR.
R. 42.2.