

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

United States Court of Appeals  
Fifth Circuit

**FILED**

August 16, 2011

Lyle W. Cayce  
Clerk

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No. 10-10624  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

JAVIER ROSALES,

Defendant-Appellant

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 4:09-CR-160-3

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Before HIGGINBOTHAM, CLEMENT, and ELROD, Circuit Judges.

PER CURIAM:\*

The attorney retained to represent Javier Rosales has moved for leave to withdraw and has filed a brief in accordance with *Anders v. California*, 386 U.S. 738 (1967), and *United States v. Flores*, 632 F.3d 229 (5th Cir. 2011). Rosales has filed a response. We have reviewed counsel's brief and the relevant portions of the record reflected therein, as well as Rosales's response. We concur with counsel's assessment that the appeal presents no nonfrivolous issue for appellate review. Accordingly, counsel's motion for leave to withdraw is GRANTED,

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

No. 10-10624

counsel is excused from further responsibilities herein, and the APPEAL IS DISMISSED. *See* 5<sup>TH</sup> CIR. R. 42.2.