

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

United States Court of Appeals
Fifth Circuit

FILED

August 15, 2011

Lyle W. Cayce
Clerk

No. 10-11175
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

SANDRA PATRICIA MONTOYA-AMAYA,

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:10-CR-66-7

Before HIGGINBOTHAM, DAVIS, and ELROD, Circuit Judges.

PER CURIAM:*

The attorney appointed to represent Sandra Patricia Montoya-Amaya (Montoya) has moved for leave to withdraw and has filed a brief pursuant to *Anders v. California*, 386 U.S. 738 (1967). Montoya has not filed a response.

We have reviewed counsel's brief and the relevant portions of the record reflected therein. Counsel's brief substantially complies in most respects with the standards set forth in *United States v. Flores*, 632 F.3d 229 (5th Cir. 2011). However, we note that counsel's examination of whether the district court

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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properly determined Montoya's advisory sentencing range in light of the contested findings made relative to her offense level fails to include citations to relevant legal authority. Ordinarily, counsel should cite not only to the applicable Sentencing Guideline and to those portions of the record which support the district court's findings, but also to pertinent case law in support of the Guideline adjustments. Nevertheless, in light of our review of counsel's brief and the relevant portions of the record, we concur with counsel's ultimate assessment that the appeal presents no nonfrivolous issue for appellate review. 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.