

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

United States Court of Appeals
Fifth Circuit

FILED

February 9, 2012

Lyle W. Cayce
Clerk

No. 10-51145
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

JOSE MANUEL TORRES-OJEDA,

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Texas
USDC No. 4:10-CR-261-5

Before GARZA, SOUTHWICK, and HAYNES, Circuit Judge.

PER CURIAM:*

The attorney appointed to represent Jose Torres-Ojeda 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). Torres-Ojeda has not filed a response. We have reviewed counsel's brief and the relevant portions of the record reflected therein. 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, counsel is

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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excused from further responsibilities herein, and the APPEAL IS DISMISSED.
See 5TH CIR. R. 42.2.

In his amended brief, counsel requested that Torres-Ojeda be given additional time to respond to the statements in that brief. Torres-Ojeda took no action and filed nothing after counsel filed his original *Anders* brief. In the intervening time between the amended brief and this order, he has similarly failed to file anything. Accordingly, we conclude that Torres-Ojeda has had sufficient time to file something if we wished to do so; the motion for additional time is DENIED as moot.