

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

United States Court of Appeals  
Fifth Circuit

**FILED**

April 18, 2012

Lyle W. Cayce  
Clerk

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No. 11-40822  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

HECTOR JESUS GARCIA-GUAJARDO,

Defendant-Appellant

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 7:11-CR-463-1

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Before HIGGINBOTHAM, DAVIS, and ELROD, Circuit Judges.

PER CURIAM:\*

The Federal Public Defender appointed to represent Hector Jesus Garcia-Guajardo 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). Garcia-Guajardo has filed a response. We have reviewed counsel's brief and the relevant portions of the record reflected therein, as well as Garcia-Guajardo's response. We concur with counsel's assessment that the appeal presents no nonfrivolous issue for appellate review. Accordingly,

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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Garcia-Guajardo's motion to remand is DENIED. 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.