

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

United States Court of Appeals  
Fifth Circuit

**FILED**

October 25, 2013

Lyle W. Cayce  
Clerk

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No. 12-20718  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

BENIGNO FUENTES-CRUZ, also known as Benigno Cruz Fuentes, also known as Benigno Fuentes Cruz, also known as Benigno Fuentes,

Defendant-Appellant

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 4:12-CR-322-1

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Before JOLLY, JONES, and HIGGINSON, Circuit Judges.

PER CURIAM:\*

The attorney appointed to represent Benigno Fuentes-Cruz (Fuentes) 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). Fuentes 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

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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