

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

United States Court of Appeals  
Fifth Circuit

**FILED**

December 10, 2013

Lyle W. Cayce  
Clerk

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No. 12-40387  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

JOSE MONTOYA,

Defendant-Appellant

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 7:11-CR-920-1

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Before JOLLY, SMITH, and CLEMENT, Circuit Judges.

PER CURIAM:\*

The retained counsel representing Jose Montoya has moved for leave to withdraw and has filed a brief and a supplemental brief in accordance with *Anders v. California*, 386 U.S. 738 (1967), and *United States v. Flores*, 632 F.3d 229 (5th Cir. 2011). Montoya has not filed a response. We have reviewed counsel's brief and supplemental brief and the relevant portions of the record reflected therein. We concur with counsel's assessment that the appeal

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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