

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

No. 16-40166
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

October 14, 2016

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff–Appellee,

v.

ODIL ANTONIO RODRIGUEZ-MORENO,

Defendant–Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 7:15-CR-1299-1

Before REAVLEY, OWEN, and ELROD, Circuit Judges.

PER CURIAM:*

The Federal Public Defender appointed to represent Odil Antonio Rodriguez-Moreno 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). Rodriguez-Moreno has filed a response.

We have reviewed counsel’s brief and the relevant portions of the record reflected therein, as well as Rodriguez-Moreno’s response. Although

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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Rodriguez-Moreno signed a document entitled “Decision Regarding My Appeal” in which he stated that he wished to appeal only his sentence, we have reviewed the validity of both the conviction and sentence. 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 excused from further responsibilities herein, and the APPEAL IS DISMISSED. *See* 5TH CIR. R. 42.2.