

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

United States Court of Appeals
Fifth Circuit

FILED

May 16, 2018

Lyle W. Cayce
Clerk

No. 17-11062
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

DIEGO DURAN HERNANDEZ,

Defendant-Appellant

Consolidated with Case No. 17-11069

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

DIEGO DURON HERNANDEZ, also known as Diego Duran Hernandez,

Defendant-Appellant

Appeals from the United States District Court
for the Northern District of Texas
USDC No. 6:17-CR-1-1
USDC No. 6:11-CR-36-1

No. 17-11062
Cons/w No. 17-11069

Before DAVIS, CLEMENT and COSTA, Circuit Judges.

PER CURIAM:*

The Federal Public Defender appointed to represent Diego Duran Hernandez in appeal No. 17-11062 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). The same Federal Public Defender also has moved to withdraw and filed an *Anders* brief in appeal No. 17-11069. Hernandez has filed a response in appeal No. 17-11062, in which he raises arguments as to appeal No. 17-11069. We exercise our authority to sua sponte consolidate the appeals, which implicate common facts and issues. *See United States v. Rodriguez*, 564 F.3d 735, 737 (5th Cir. 2009); FED. R. APP. P. 3(b)(2).

We have reviewed counsel's briefs and the relevant portions of the record reflected therein, as well as Hernandez's response. We concur with counsel's assessment that the appeals present no nonfrivolous issue for appellate review. Accordingly, counsel's motions for leave to withdraw are GRANTED, counsel is excused from further responsibilities herein, and the APPEALS ARE DISMISSED. *See* 5TH CIR. R. 42.2. Hernandez's motion to vacate and remand, which he filed in appeal No. 17-11062, is DENIED.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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