

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

No. 17-40962
Conference Calendar

United States Court of Appeals
Fifth Circuit

FILED

April 17, 2018

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

TOMAS AQUINO-PACHECO,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 7:17-CR-624-1

Before DAVIS, HAYNES, and COSTA, Circuit Judges.

PER CURIAM:*

The Federal Public Defender appointed to represent Tomas Aquino-Pacheco 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). Aquino-Pacheco has filed a motion for leave to file an out-of-time *Anders* response and a motion for leave to file a supplemental response, both of which we GRANT. We have reviewed counsel's brief and the

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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relevant portions of the record reflected therein, as well as Aquino-Pacheco's responses. 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.