

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

United States Court of Appeals
Fifth Circuit

FILED

February 4, 2020

Lyle W. Cayce
Clerk

No. 19-40672
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

JOSE ALEXANDER AVELAR, also known as Jose Avelar,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 2:19-CR-244-1

Before HAYNES, DUNCAN, and ENGELHARDT, Circuit Judges.

PER CURIAM:*

The Federal Public Defender appointed to represent Jose Alexander Avelar 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). Avelar has filed a response and has moved for the appointment of new counsel. We have reviewed counsel's brief and the relevant portions of the record reflected therein, as well as Avelar's response.

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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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. Avelar's motion for the appointment of new counsel is DENIED.