

United States Court of Appeals  
for the Fifth Circuit

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No. 23-10176  
Summary Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**

October 2, 2023

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

*Plaintiff—Appellee,*

*versus*

BENITO DIAZ HERNANDEZ,

*Defendant—Appellant.*

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 3:21-CR-112-6

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Before JONES, SOUTHWICK, and HO, *Circuit Judges.*

PER CURIAM:\*

The attorney appointed to represent Benito Diaz Hernandez 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). Diaz Hernandez has not filed a response. We have reviewed counsel's brief and the relevant portions of the record reflected therein. We

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\* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

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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.