

# United States Court of Appeals for the Fifth Circuit

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No. 23-50205  
Summary Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**

October 26, 2023

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

*Plaintiff—Appellee,*

*versus*

FABIAN HERNANDEZ,

*Defendant—Appellant.*

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 7:22-CR-229-1

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

PER CURIAM:\*

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

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

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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.