

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

No. 13-40741
Conference Calendar

United States Court of Appeals
Fifth Circuit

FILED

August 29, 2014

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

ERNESTO RICO-ELIZONDO,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 5:12-CR-696-1

Before CLEMENT, PRADO, and ELROD, Circuit Judges.

PER CURIAM:*

The Federal Public Defender appointed to represent Ernesto Rico-Elizondo 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). Rico-Elizondo filed a letter, which was construed as a motion for an extension of time to file a response. The court gave Rico-Elizondo a deadline of April 23, 2014 to file his response to the *Anders* brief.

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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No response was filed. We have reviewed counsel's brief and the relevant portions of the record reflected therein, as well as Rico-Elizondo's letter. 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.