

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

United States Court of Appeals
Fifth Circuit

FILED

September 16, 2009

Charles R. Fulbruge III
Clerk

No. 09-40114
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

RICARDO RODRIGUEZ-TREVINO,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 1:08-CR-777

Before KING, STEWART, and HAYNES, Circuit Judges.

PER CURIAM:*

The Federal Public Defender appointed to represent Ricardo Rodriguez-Trevino has moved for leave to withdraw and has filed a brief in accordance with *Anders v. California*, 386 U.S. 738 (1967). Rodriguez-Trevino has filed a response relying solely on the argument that the Government lacks standing to pursue a criminal case against him. Our independent review of the record, counsel's brief, and Rodriguez-Trevino's response discloses no nonfrivolous issue for appeal. Accordingly, counsel's motion for leave to withdraw is GRANTED,

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

counsel is excused from further responsibilities herein, and the APPEAL IS DISMISSED. *See* 5TH CIR. R. 42.2.