

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

United States Court of Appeals  
Fifth Circuit

**FILED**

October 20, 2009

Charles R. Fulbruge III  
Clerk

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No. 08-41216

Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

MARIO ALARCON-MENDEZ,

Defendant-Appellant

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 1:08-CR-902-1

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Before WIENER, BENAVIDES, and STEWART, Circuit Judges.

PER CURIAM:\*

The Federal Public Defender appointed to represent Mario Alarcon-Mendez has moved for leave to withdraw and has filed a brief in accordance with *Anders v. California*, 386 U.S. 738 (1967). Alarcon-Mendez has not filed a response. Our independent review of the record and counsel's brief discloses no nonfrivolous issue for appeal. Accordingly, counsel's motion for leave to

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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