

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

United States Court of Appeals  
Fifth Circuit

**FILED**

November 21, 2011

Lyle W. Cayce  
Clerk

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No. 10-40694  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

BENITO AGUIRRE, III,

Defendant-Appellant

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 2:10-CR-191-1

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Before REAVLEY, SMITH, and PRADO, Circuit Judges.

PER CURIAM:\*

The attorney appointed to represent Benito Aguirre, III, has moved for leave to withdraw and has filed briefs in accordance with *Anders v. California*, 386 U.S. 738 (1967), and *United States v. Flores*, 632 F.3d 229 (5th Cir. 2011). Aguirre has filed several responses. Aguirre's motion to strike counsel's *Anders* briefs and to proceed pro se is DENIED.

We have reviewed counsel's briefs and the relevant portions of the record reflected therein, as well as Aguirre's responses. We concur with counsel's

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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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.