

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

\_\_\_\_\_  
No. 18-41146  
Conference Calendar  
\_\_\_\_\_

United States Court of Appeals  
Fifth Circuit

**FILED**

July 3, 2019

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

J. NICANOR HERNANDEZ-GUTIERREZ,

Defendant-Appellant

\_\_\_\_\_  
Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 1:18-CR-219-1  
\_\_\_\_\_

Before HAYNES, DUNCAN, and ENGELHARDT, Circuit Judges.

PER CURIAM:\*

The attorney appointed to represent J. Nicanor Hernandez-Gutierrez 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-Gutierrez has filed a response wherein he seeks new counsel. We have reviewed counsel's brief and the relevant portions of the record reflected therein, as well as Hernandez-Gutierrez's response. We

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

No. 18-41146

concur with counsel's assessment that the appeal presents no nonfrivolous issue for appellate review. Accordingly, Hernandez-Gutierrez's motion for the appointment of new counsel is DENIED, 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.