

United States Court of Appeals
for the Fifth Circuit

No. 23-10751
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

March 11, 2024

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

XAVIER DEWAYNE CUNNINGHAM,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 2:22-CR-101-1

Before HIGGINBOTHAM, STEWART, and SOUTHWICK, *Circuit Judges.*

PER CURIAM:*

The Federal Public Defender appointed to represent Xavier Dewayne Cunningham 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). Cunningham has not filed a response. We have reviewed counsel's brief and the relevant portions of the record

* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

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reflected therein. We concur with counsel's assessment that the appeal presents no nonfrivolous issue for appellate review. Accordingly, counsel's motion for leave to file a supplemental *Anders* brief 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.