

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

October 14, 2021

Lyle W. Cayce
Clerk

No. 20-10105
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

BENITO HERRERA, JR.,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 1:19-CR-76-1

Before SMITH, STEWART, and GRAVES, *Circuit Judges.*

PER CURIAM:*

The attorney appointed to represent Benito Herrera, Jr., 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). Herrera has not filed a response after being served with counsel's

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

No. 20-10105

motion to withdraw and *Anders* brief. We have reviewed counsel's brief and the relevant portions of the record 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 withdraw is GRANTED, counsel is excused from further responsibilities herein, and the APPEAL IS DISMISSED. *See* 5TH CIR. R. 42.2. Herrera's motion for appointment of new counsel is DENIED.