

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

September 3, 2021

Lyle W. Cayce
Clerk

No. 20-40419
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

DAVID PRUNER,

Defendant—Appellant.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 4:19-CR-118-1

Before JOLLY, WILLETT, and ENGELHARDT, *Circuit Judges.*

PER CURIAM:*

The Federal Public Defender appointed to represent David Pruner 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). Pruner has filed a response in which he asks to dismiss

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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the appeal of his sentence. We have reviewed counsel's brief and the relevant portions of the record reflected therein, as well as Pruner's response. 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 and counsel is excused from further responsibilities herein. The motion to dismiss the appeal as to the sentence is likewise GRANTED. The appeal is DISMISSED in part as frivolous, *see* 5TH CIR. R. 42.2, and in part on Pruner's motion, *see* FED. R. APP. P. 42(a).