

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

June 16, 2021

Lyle W. Cayce
Clerk

No. 21-40128
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

HERNAN GARCIA-HERNANDEZ,

Defendant—Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 7:20-CR-1687-1

Before JONES, CLEMENT, and HAYNES, *Circuit Judges.*

PER CURIAM:*

The Federal Public Defender appointed to represent Hernan Garcia-Hernandez 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). Garcia-Hernandez has filed a

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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response. We have reviewed counsel's brief and the relevant portions of the record reflected therein, as well as Garcia-Hernandez'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, counsel is excused from further responsibilities herein, and the appeal is DISMISSED. *See* 5TH CIR. R. 42.2. Garcia-Hernandez's pro se motion for appointment of new counsel is DENIED as untimely. *See United States v. Wagner*, 158 F.3d 901, 902-03 (5th Cir. 1998).