

# United States Court of Appeals for the Fifth Circuit

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No. 22-50201  
Summary Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**

February 9, 2023

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

*Plaintiff—Appellee,*

*versus*

JOHNNY FRAUSTO, JR.,

*Defendant—Appellant.*

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 3:21-CR-1079-1

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Before SMITH, SOUTHWICK, and DOUGLAS, *Circuit Judges.*

PER CURIAM:\*

The attorney appointed to represent Johnny Frausto, 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). Frausto has not filed a response. We have reviewed counsel's brief and the relevant portions of the record reflected therein. We concur

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

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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.