

United States Court of Appeals  
for the Fifth Circuit

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No. 22-50379  
Summary Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**

March 8, 2023

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

*Plaintiff—Appellee,*

*versus*

DEREK GRANT HERNDON,

*Defendant—Appellant.*

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 7:21-CR-357-1

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Before HIGGINBOTHAM, GRAVES, and HO, *Circuit Judges.*

PER CURIAM:\*

The attorney appointed to represent Derek Grant Herndon 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). Herndon has not filed a response. We have reviewed counsel's brief and the relevant portions of the record reflected therein. We

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

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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.