

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

October 22, 2008

Charles R. Fulbruge III
Clerk

No. 07-50416

Conference Calendar

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

ALBERTO RODRIGUEZ HERNANDEZ

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Texas
USDC No. 2:06-CR-660-2

Before KING, BARKSDALE, and OWEN, Circuit Judges.

PER CURIAM:*

The attorney appointed to represent Alberto Rodriguez Hernandez (Rodriguez) has moved for leave to withdraw and has filed a brief in accordance with *Anders v. California*, 386 U.S. 738 (1967). Rodriguez has filed a response. Our independent review of the record, counsel's brief, and Rodriguez's response discloses no nonfrivolous issue for appeal. 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. Rodriguez's

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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motion for the appointment of new counsel and his motion for an order that current counsel proceed with the appeal are DENIED.