

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

June 18, 2013

Lyle W. Cayce
Clerk

No. 12-40853
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

GERONIMO TORRES-ORTIZ,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 7:12-CR-126-1

Before JONES, OWEN, and GRAVES, Circuit Judges.

PER CURIAM:*

The Federal Public Defender appointed to represent Geronimo Torres-Ortiz 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). Torres-Ortiz filed an untimely response, which we construe as a motion for leave to file an out-of-time response and grant. We have reviewed counsel's brief and the relevant portions of the record reflected therein, as well as Torres-Ortiz's response. We concur with counsel's assessment that the

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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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. Torres-Ortiz's motion for the relief of counsel and for the appointment of new counsel is DENIED. *See United States v. Wagner*, 158 F.3d 901, 902-03 (5th Cir. 1998).