

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

---

No. 13-20524  
Summary Calendar

---

United States Court of Appeals  
Fifth Circuit

**FILED**

October 10, 2014

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

MICHAEL DUSHON DUNCAN,

Defendant-Appellant

---

Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 4:11-CR-61-13

---

Before PRADO, OWEN, and GRAVES, Circuit Judges.

PER CURIAM:\*

The attorney appointed to represent Michael Dushon Duncan 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). Duncan has filed a response and a motion for the appointment of new counsel. We have reviewed counsel's brief and the relevant portions of the record reflected therein, as well as Duncan's response. We concur with

---

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

No. 13-20524

counsel's assessment that the appeal presents no nonfrivolous issue for appellate review. Accordingly, counsel's motion for leave to withdraw is GRANTED, and counsel is excused from further responsibilities herein. Duncan's motion for the appointment of counsel is DENIED as untimely. *See United States v. Wagner*, 158 F.3d 901, 902-03 (5th Cir. 1998). The APPEAL IS DISMISSED. *See* 5TH CIR. R. 42.2.