

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

\_\_\_\_\_  
No. 09-12008  
Non-Argument Calendar  
\_\_\_\_\_

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT APR 6, 2010 JOHN LEY CLERK
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D. C. Docket No. 04-00238-CR-T-17-TBM

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JOSE AERSIO ALVAREZ,

Defendant-Appellant.

\_\_\_\_\_  
Appeal from the United States District Court  
for the Middle District of Florida  
\_\_\_\_\_

(April 6, 2010)

Before CARNES, BARKETT and ANDERSON, Circuit Judges.

PER CURIAM:

Ellis Rexwood Curry IV, appointed counsel for Jose Aersio Alvarez, in this

direct criminal appeal, has moved to withdraw from further representation of the appellant because, in his opinion, the appeal is without merit. Counsel has filed a brief pursuant to *Anders v. California*, 386 U.S. 738, 87 S.Ct. 1396, 18 L.Ed.2d 493 (1967). Our independent review of the entire record reveals that because we already have upheld Alvarez's conviction and sentence, the law of the case doctrine applies to preclude the existence of any issues of arguable merit on appeal. Accordingly, counsel's motion to withdraw is **GRANTED**, and Alvarez's appeal is **DISMISSED**.