

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

United States Court of Appeals
Fifth Circuit

FILED

June 22, 2010

Lyle W. Cayce
Clerk

No. 08-51306

Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

FILOMENO TREVINO FRANCO, also known as Teeny,

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Texas
USDC No. 7:08-CR-92-ALL

Before BENAVIDES, PRADO and SOUTHWICK, Circuit Judges.

PER CURIAM:*

The attorney appointed to represent Filomeno Trevino Franco has moved for leave to withdraw and has filed a brief in accordance with *Anders v. California*, 386 U.S. 738 (1967). Franco has filed a response. Our independent review of the record, counsel's brief, and Franco'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.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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