

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

United States Court of Appeals  
Fifth Circuit

**FILED**

October 26, 2010

\_\_\_\_\_  
No. 09-11066  
Conference Calendar  
\_\_\_\_\_

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

OMAR HERNANDEZ, also known as Pistolero, formerly known as FNU LNU -  
20,

Defendant-Appellant

\_\_\_\_\_  
Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 3:08-CR-267-20  
\_\_\_\_\_

Before SMITH, DENNIS, and CLEMENT, Circuit Judges.

PER CURIAM:\*

The attorney appointed to represent Omar Hernandez has moved for leave to withdraw and has filed a brief in accordance with *Anders v. California*, 386 U.S. 738 (1967). Hernandez has responded by filing a motion for appointment of new counsel. Our independent review of the record, counsel's brief, and Hernandez's motion discloses no nonfrivolous issue for appeal. Accordingly, counsel's motion for leave to withdraw is GRANTED, counsel is excused from

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\* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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further responsibilities herein, and the APPEAL IS DISMISSED. *See* 5TH CIR.  
R. 42.2. Hernandez's motion for appointment of new counsel is DENIED.