

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

United States Court of Appeals
Fifth Circuit

FILED

December 17, 2009

Charles R. Fulbruge III
Clerk

No. 09-20124

Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

JOSE CANDELARIO VILLATORO-ESCOBAR, also known as Jose Villatoro-Escobar, also known as Jose C. Villatoro, also known as Fidel Billatoro, also known as Juan Garcia, also known as Jose Candelario Villatoro Escobar, also known as Jose Cadelfario Villatoro, also known as Jose Umana, also known as Jose Villatoro, also known as Jose Candelar Villatoro-Escobar, also known as Jesse Portilla, also known as Jose Cadelario Villatoro,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:08-CR-60-1

Before GARZA, CLEMENT, and OWEN, Circuit Judges.

PER CURIAM:*

The attorney appointed to represent Jose Candelario Villatoro-Escobar (Villatoro) has moved for leave to withdraw and has filed a brief in accordance with *Anders v. California*, 386 U.S. 738 (1967). Villatoro has filed a response.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Our independent review of the record, counsel's brief, and Villatoro'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. Villatoro's request to proceed pro se on appeal is DENIED. *See United States v. Wagner*, 158 F.3d 901, 902-03 (5th Cir. 1998).