

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

United States Court of Appeals  
Fifth Circuit

**F I L E D**

December 8, 2010

No. 09-20823  
Conference Calendar

Lyle W. Cayce  
Clerk

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UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

JOSE RAMON RUBACALBA, also known as Jose Ramon Rubalcaba, also known as Jose Ramon Rubacaba, also known as Jose Rubalcaba, also known as Jose Ramon Rubalcalba,

Defendant-Appellant

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 4:09-CR-402-1

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Before KING, BENAVIDES, and PRADO, Circuit Judges.

PER CURIAM:<sup>\*</sup>

The attorney appointed to represent Jose Ramon Rubacalba has moved for leave to withdraw and has filed a brief in accordance with *Anders v. California*, 386 U.S. 738 (1967). Rubacalba has not filed a response. Our independent review of the record and counsel's brief discloses no nonfrivolous issue for appeal. Accordingly, counsel's motion for leave to withdraw is GRANTED, counsel is

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<sup>\*</sup> 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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excused from further responsibilities herein, and the APPEAL IS DISMISSED.  
*See* 5TH CIR. R. 42.2.