

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

United States Court of Appeals
Fifth Circuit

FILED

October 9, 2009

No. 09-40201
Summary Calendar

Charles R. Fulbruge III
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

HECTOR MANUEL HUERTA-RUIZ,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 7:08-CR-1567-1

Before JOLLY, DENNIS, and OWEN, Circuit Judges.

PER CURIAM:*

The Federal Public Defender appointed to represent Hector Manuel Huerta-Ruiz has moved for leave to withdraw and has filed a brief in accordance with *Anders v. California*, 386 U.S. 738 (1967). Huerta-Ruiz has filed a response in which he argues, among other things, that he was denied the effective assistance of counsel because his attorney failed to raise objections to the enhancement of his sentence under United States Sentencing Guideline

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

§ 2L1.2(b)(1)(A)(ii). Huerta-Ruiz also has filed motions requesting the appointment of substitute counsel and a hearing.

Our independent review of the record, counsel's brief, and Huerta-Ruiz'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, Huerta-Ruiz's motions for the appointment of substitute counsel and a hearing are DENIED, and the APPEAL IS DISMISSED. *See* 5TH CIR. R. 42.2.