

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

United States Court of Appeals
Fifth Circuit

FILED

July 22, 2010

Lyle W. Cayce
Clerk

No. 09-41050

Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

JOHN HOWARD GUNTER,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 5:09-CR-299-1

Before GARZA, CLEMENT, and OWEN, Circuit Judges.

PER CURIAM:*

The attorney appointed to represent John Howard Gunter has moved for leave to withdraw and has filed a brief in accordance with *Anders v. California*, 386 U.S. 738 (1967). Gunter 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 excused from further responsibilities herein, and the APPEAL IS DISMISSED.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

See 5TH CIR. R. 42.2. Counsel's motion for leave to withdraw due to his appointment as a United States Magistrate Judge is DENIED as moot.