

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

United States Court of Appeals  
Fifth Circuit

**FILED**

July 19, 2010

Lyle W. Cayce  
Clerk

\_\_\_\_\_  
No. 09-41162

Summary Calendar  
\_\_\_\_\_

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

OSCAR ORNELAS-PORTOS,

Defendant-Appellant

\_\_\_\_\_  
Appeal from the United States District Court  
for Southern the District of Texas  
USDC No. 7:09-CR-972-1  
\_\_\_\_\_

Before DAVIS, SMITH and DENNIS, Circuit Judges.

PER CURIAM:\*

The Federal Public Defender appointed to represent Oscar Ornelas-Portos has moved for leave to withdraw and has filed a brief in accordance with *Anders v. California*, 386 U.S. 738 (1967). Ornelas-Portos has filed a response and a motion to unseal part of the record. Ornelas-Portos's motion is DENIED.

Our independent review of the record, the response, and counsel's brief discloses no nonfrivolous issue for appeal. Accordingly, counsel's motion for

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

leave to withdraw is GRANTED, counsel is excused from further responsibilities herein, and the APPEAL IS DISMISSED. *See* 5TH CIR. R. 42.2.