

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

United States Court of Appeals  
Fifth Circuit

**FILED**

August 9, 2011

Lyle W. Cayce  
Clerk

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No. 10-41223  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

VICTOR BARAHONA-DIAZ, also known as Francis Arnoldo Martinez-Portillo, also known as Nelson Montesino, also known as Israel Torres-Pagan, also known as Raul Diaz Arce, also known as Victor Diaz, also known as Israel Pagan Torres, also known as Diablo Chavery,

Defendant-Appellant

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 2:10-CR-684-1

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Before KING, JOLLY, and GRAVES, Circuit Judges.

PER CURIAM:\*

The Federal Public Defender appointed to represent Victor Barahona-Diaz has moved for leave to withdraw and has filed a brief in accordance with *Anders v. California*, 386 U.S. 738 (1967), and *United States v. Flores*, 632 F.3d 229 (5th Cir. 2011). Barahona-Diaz has not filed a response. We have reviewed counsel's brief and the relevant portions of the record reflected therein. We concur with

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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counsel's assessment that the appeal presents no nonfrivolous issue for appellate review. 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.