

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

United States Court of Appeals  
Fifth Circuit

**FILED**

November 21, 2011

Lyle W. Cayce  
Clerk

---

No. 11-10163  
Summary Calendar

---

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

LEOBARDO DELARIVA,

Defendant-Appellant

---

Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 3:09-CR-291-21

---

Before BENAVIDES, STEWART, and CLEMENT, Circuit Judges.

PER CURIAM:\*

The attorney appointed to represent Leobardo DeLaRiva 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). DeLaRiva has not filed a response. We have reviewed counsel's brief and the relevant portions of the record reflected therein. We concur with 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

---

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

No. 11-10163

excused from further responsibilities herein, and the APPEAL IS DISMISSED.

*See* 5TH CIR. R. 42.2.