

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

United States Court of Appeals  
Fifth Circuit

**FILED**

February 19, 2013

Lyle W. Cayce  
Clerk

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No. 11-10986  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

BUDDY WAYNE ANDERSON,

Defendant-Appellant

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 3:11-CR-104-1

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Before KING, CLEMENT, and HAYNES, Circuit Judges.

PER CURIAM:\*

The attorney appointed to represent Buddy Wayne Anderson 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). Anderson has filed a response. We have reviewed counsel's brief and the relevant portions of the record reflected therein, as well as Anderson's response. We concur with counsel's assessment that the appeal presents no nonfrivolous issue for appellate review. Specifically, while the magistrate judge

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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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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and plea agreement incorrectly advised Anderson concerning the relevant statutory minimum and maximum terms, the district court informed Anderson of the correct sentencing terms and provided him the opportunity to withdraw his guilty plea during the sentencing hearing. Anderson persisted in pleading guilty, however, thereby confirming the voluntariness of his plea and demonstrating that the misstatement concerning the sentencing terms did not affect his decision. 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.