

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

United States Court of Appeals
Fifth Circuit

FILED

July 9, 2012

Lyle W. Cayce
Clerk

No. 11-31074
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

JOHN MENEWEATHER,

Defendant-Appellant

Appeals from the United States District Court
for the Western District of Louisiana
USDC No. 3:08-CR-261-1

Before CLEMENT, SOUTHWICK, and HAYNES, Circuit Judges.

PER CURIAM:*

The Federal Public Defender appointed to represent John Meneweather has moved for leave to withdraw in Meneweather's appeal of the district court's order denying his motion under 18 U.S.C. § 3582(c)(2) 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). Meneweather has filed a response.

We have reviewed counsel's brief and the relevant portions of the record reflected therein, as well as Meneweather's response. We concur with counsel's

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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. 11-31074

assessment that the instant 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.

We note that in Meneweather's response he seeks relief from the dismissal of his direct criminal appeal (Case No. 09-30294) for failure to prosecute. The instant appeal from the denial of his § 3582(c)(2) motion, however, is not the proper forum for granting such relief.