

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

United States Court of Appeals
Fifth Circuit

FILED

December 19, 2011

Lyle W. Cayce
Clerk

No. 11-40057
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

ELMER EDGARDO MARTINEZ-LOPEZ,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 1:10-CR-1089-1

Before KING, HAYNES, and GRAVES, Circuit Judges.

PER CURIAM:*

The attorney appointed to represent Elmer Edgardo Martinez-Lopez moved for leave to withdraw and filed a supplemental brief in accordance with *Anders v. California*, 386 U.S. 738 (1967), and *United States v. Flores*, 632 F.3d 229 (5th Cir. 2011). Martinez-Lopez has filed a response and moved for appointment of new counsel. We have reviewed counsel's brief and the relevant portions of the record reflected therein, as well as Martinez-Lopez's response. We concur with counsel's assessment that the appeal presents no nonfrivolous

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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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. Martinez-Lopez's motion for appointment of new counsel is DENIED.