

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

United States Court of Appeals
Fifth Circuit

FILED

April 16, 2013

Lyle W. Cayce
Clerk

No. 12-10686
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

JOSHUA J. HERMAN,

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:07-CR-356-1

Before JOLLY, DENNIS, and PRADO, Circuit Judges.

PER CURIAM:*

The Federal Public Defender appointed to represent Joshua J. Herman 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). Herman has not filed a response. Although Herman's restitution obligation remains, he has been released from prison, and the district court imposed no further term of supervised release. We have reviewed counsel's brief and the relevant portions of the record reflected therein. We concur with

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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 in part as frivolous, *see* 5TH CIR. R. 42.2, and in part as moot, *see Spencer v. Kemna*, 523 U.S. 1, 7 (1998).