

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

United States Court of Appeals
Fifth Circuit

FILED

October 16, 2013

Lyle W. Cayce
Clerk

No. 12-20684

Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

BERNARD HARRY THERIOT,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:11-CR-470-1

Before JOLLY, SMITH, and CLEMENT, Circuit Judges.

PER CURIAM:*

The attorney appointed to represent Bernard Harry Theriot 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). Theriot has filed a response. He has also moved to file a pro se brief, which motion is GRANTED. We have reviewed counsel's brief and the relevant portions of the record reflected therein, as well as Theriot's response and brief. 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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. Theriot's motion to strike counsel's *Anders* brief is DENIED. Likewise, Theriot's motion to consolidate his case with No. 12-20683 is DENIED.