

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

United States Court of Appeals
Fifth Circuit

FILED

January 22, 2013

Lyle W. Cayce
Clerk

No. 12-40091

Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

DARIUS FEDOR VAXTER,

Defendant-Appellant

Appeal from the United States District Court
for the Eastern District of Texas
(10-CR-110)

Before JONES, DENNIS, and HAYNES, Circuit Judges.

PER CURIAM:*

Counsel appointed to represent Darius Fedor Vaxter on appeal has filed a motion to withdraw and a brief that relies on *Anders v. California*, 386 U.S. 738 (1967). Vaxter has not filed a response. Our independent review of the record and counsel's brief discloses no nonfrivolous issue for appeal. 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.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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