

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

United States Court of Appeals
Fifth Circuit

FILED

February 19, 2013

Lyle W. Cayce
Clerk

No. 12-40267
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

ERNESTO VALLES MORENO, also known as Rocky,

Defendant-Appellant

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 6:09-CR-100-4

Before KING, CLEMENT, and HAYNES, Circuit Judges.

PER CURIAM:*

The attorney appointed to represent Ernesto Valles Moreno 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). Valles Moreno has filed a response. We have reviewed counsel's brief and the relevant portions of the record reflected therein, as well as Valles Moreno's response. We concur with counsel's assessment that the appeal presents no nonfrivolous issue for appellate review. Accordingly, counsel's motion for leave

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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. 12-40267

to withdraw is GRANTED, counsel is excused from further responsibilities herein, and the APPEAL IS DISMISSED. *See* 5TH CIR. R. 42.2. Valles Moreno's motions for oral argument and appointment of new counsel are DENIED.