

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

United States Court of Appeals  
Fifth Circuit

**FILED**

June 18, 2013

No. 12-40853  
Conference Calendar

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

GERONIMO TORRES-ORTIZ,

Defendant-Appellant

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 7:12-CR-126-1

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Before JONES, OWEN, and GRAVES, Circuit Judges.

PER CURIAM:\*

The Federal Public Defender appointed to represent Geronimo Torres-Ortiz 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). Torres-Ortiz filed an untimely response, which we construe as a motion for leave to file an out-of-time response and grant. We have reviewed counsel's brief and the relevant portions of the record reflected therein, as well as Torres-Ortiz's response. We concur with counsel's assessment that the

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\* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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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. *See* 5TH CIR. R. 42.2. Torres-Ortiz's motion for the relief of counsel and for the appointment of new counsel is DENIED. *See United States v. Wagner*, 158 F.3d 901, 902-03 (5th Cir. 1998).