

**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. 12-40873

Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

MAGDIEL REBOLLEDO-MERCADO,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 1:12-CR-314-1

Before JOLLY, DENNIS, and PRADO, Circuit Judges.

PER CURIAM:*

The Federal Public Defender appointed to represent Magdiel Rebolledo-Mercado 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). Rebolledo-Mercado has filed a response. We have reviewed counsel's brief and the relevant portions of the record reflected therein, as well as Rebolledo-Mercado's response. We concur with counsel's assessment that the appeal presents no nonfrivolous issue for appellate review. Accordingly,

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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. 12-40873

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.