

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

United States Court of Appeals
Fifth Circuit

FILED

August 23, 2013

Lyle W. Cayce
Clerk

No. 12-51027

Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff–Appellee,

versus

JAMES RANDALL PERSKY,

Defendant–Appellant.

Appeal from the United States District Court
for the Western District of Texas
No. 6:12-CR-111-1

Before JOLLY, SMITH, and CLEMENT, Circuit Judges.

PER CURIAM:*

The attorney appointed to represent James Persky 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). Persky has

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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not filed a response. Having reviewed counsel's brief and the relevant portions of the record reflected therein, we concur with counsel's assessment that the appeal presents no nonfrivolous issue for appellate review. Accordingly, the 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.