

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

No. 15-51013
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

June 7, 2016

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff–Appellee,

versus

RAMIRO AGUILAR-AGUILAR, Also Known as Martin Morales-Orozco,

Defendant–Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 3:15-CR-742-1

Before REAVLEY, SMITH, and HAYNES, Circuit Judges.

PER CURIAM:*

The Federal Public Defender appointed to represent Ramiro Aguilar-

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

We have reviewed counsel's brief, relevant portions of the record reflected therein, and Aguilar-Aguilar's response. We concur with counsel's assessment that the appeal presents no nonfrivolous issue for appellate review. In his response, Aguilar-Aguilar challenges, *inter alia*, the drug-trafficking enhancement; he maintains that his New Mexico conviction of possession with intent to deliver does not qualify as a drug-trafficking offense under U.S.S.G. § 2L1.2 because it does not require remuneration. That contention is foreclosed, *see United States v. Martinez-Lugo*, 782 F.3d 198, 205 (5th Cir.), *cert. denied*, 136 S. Ct. 533 (2015), but by raising the issue, Aguilar-Aguilar has preserved it for further review.

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.