

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 16-11043
Conference Calendar

United States Court of Appeals
Fifth Circuit

FILED

April 18, 2017

Lyle W. Cayce
Clerk

Plaintiff-Appellee

UNITED STATES OF AMERICA,

v.

SERGIO AARON RUIZ-TAPIA,

Defendant-Appellant

Appeals from the United States District Court
for the Northern District of Texas
USDC No. 3:15-CR-427-10

Before KING, HAYNES, and GRAVES, Circuit Judges.

PER CURIAM:*

The attorney appointed to represent Sergio Aaron Ruiz-Tapia 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). Ruiz-Tapia has filed a response. His motion for the appointment of substitute counsel is untimely. *United States v. Wagner*, 158 F.3d 901, 902-03 (5th Cir. 1998). We have reviewed counsel's brief and the relevant portions

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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of the record reflected therein, as well as Ruiz-Tapia's response. We concur with counsel's assessment that the appeal presents no nonfrivolous issue for appellate review. Accordingly, counsel's motion for leave to withdraw is GRANTED, Ruiz-Tapia's motion for appointment of substitute counsel is DENIED, counsel is excused from further responsibilities herein, and the APPEAL IS DISMISSED. *See* 5TH CIR. R. 42.2.