

**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

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

SERGIO AARON RUIZ-TAPIA,

Defendant-Appellant

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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

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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