

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

---

No. 17-40962  
Conference Calendar

---

United States Court of Appeals  
Fifth Circuit

**FILED**

April 17, 2018

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

TOMAS AQUINO-PACHECO,

Defendant-Appellant

---

Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 7:17-CR-624-1

---

Before DAVIS, HAYNES, and COSTA, Circuit Judges.

PER CURIAM:\*

The Federal Public Defender appointed to represent Tomas Aquino-Pacheco 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). Aquino-Pacheco has filed a motion for leave to file an out-of-time *Anders* response and a motion for leave to file a supplemental response, both of which we GRANT. We have reviewed counsel's brief and the

---

\* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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. 17-40962

relevant portions of the record reflected therein, as well as Aquino-Pacheco's responses. 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, counsel is excused from further responsibilities herein, and the APPEAL IS DISMISSED. *See* 5TH CIR. R. 42.2.