

United States Court of Appeals  
for the Fifth Circuit

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No. 20-50239  
Conference Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**  
November 13, 2020

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

*Plaintiff—Appellee,*

*versus*

BURT ALLAN SMITH,

*Defendant—Appellant.*

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 7:19-CR-254-1

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Before KING, SOUTHWICK, and HO, *Circuit Judges.*

PER CURIAM:\*

The attorney appointed to represent Burt Allan Smith 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). Smith has not filed a response but has filed a pro se motion to dismiss his

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\* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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appeal. We have 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, 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. Smith's motion to dismiss his appeal is DENIED as moot.