

United States Court of Appeals
for the Fifth Circuit

No. 22-20628
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

August 23, 2023

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

DAVID PENALOZA-NIETO,

Defendant—Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:22-CR-224-1

Before SMITH, HIGGINSON, and ENGELHARDT, *Circuit Judges.*

PER CURIAM:*

The Federal Public Defender appointed to represent David Penaloza-Nieto has moved to withdraw and has filed a brief per *Anders v. California*, 386 U.S. 738 (1967), and *United States v. Flores*, 632 F.3d 229 (5th Cir. 2011). Penaloza-Nieto has not filed a response.

We have reviewed counsel's brief and relevant portions of the record.

* This opinion is not designated for publication. See 5TH CIR. R. 47.5.

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We concur with counsel's assessment that the appeal presents no non-frivolous issue for appellate review. Accordingly, the motion to withdraw is GRANTED, counsel is excused from further responsibilities herein, and the appeal is DISMISSED. *See* 5TH CIR. R. 42.2.