

United States Court of Appeals  
for the Fifth Circuit

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No. 22-40808  
Summary Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**  
December 12, 2023

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

*Plaintiff—Appellee,*

*versus*

GABRIEL ANTHONY PENA,

*Defendant—Appellant.*

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 7:21-CR-1780-1

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Before HIGGINBOTHAM, STEWART, and SOUTHWICK, *Circuit  
Judges.*

PER CURIAM:\*

The attorney appointed to represent Gabriel Anthony Pena 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). Pena has not filed a response. We have reviewed counsel's brief and the relevant portions of the record reflected therein. We concur

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

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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.