

United States Court of Appeals  
for the Fifth Circuit

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No. 23-10751  
Summary Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**

March 11, 2024

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

*Plaintiff—Appellee,*

*versus*

XAVIER DEWAYNE CUNNINGHAM,

*Defendant—Appellant.*

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 2:22-CR-101-1

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

PER CURIAM:\*

The Federal Public Defender appointed to represent Xavier Dewayne Cunningham 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). Cunningham has not filed a response. We have reviewed counsel's brief and the relevant portions of the record

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

No. 23-10751

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 file a supplemental *Anders* brief is DENIED, 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.