

United States Court of Appeals for the Fifth Circuit

No. 23-10176
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

October 2, 2023

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

BENITO DIAZ HERNANDEZ,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:21-CR-112-6

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

PER CURIAM:*

The attorney appointed to represent Benito Diaz Hernandez 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). Diaz Hernandez has not filed a response. We have reviewed counsel's brief and the relevant portions of the record reflected therein. We

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

No. 23-10176

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.