

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

January 8, 2010

No. 07-41159

Summary Calendar

Charles R. Fulbruge III
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

EDMUNDO RUFINO,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 5:05-CR-1776-2

Before JOLLY, WIENER and ELROD, Circuit Judges.

PER CURIAM:*

The attorney appointed to represent Edmundo Rufino has moved for leave to withdraw and has filed a brief in accordance with *Anders v. California*, 386 U.S. 738 (1967). Rufino has filed a response. Our independent review of the record, counsel's brief, and Rufino's response discloses no nonfrivolous issue for appeal. Accordingly, the motion for leave to withdraw is GRANTED, Rufino's motion for appointment of substitute counsel is DENIED, counsel is excused

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

from further responsibilities herein, and the APPEAL IS DISMISSED. *See*
5TH CIR. R. 42.2.