

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

United States Court of Appeals
Fifth Circuit

FILED

June 16, 2009

Charles R. Fulbruge III
Clerk

No. 08-40971
Conference Calendar

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

GUADALUPE FERNANDEZ-PENA

Defendant-Appellant

Consolidated with
No. 08-40972
Conference Calendar

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

GUADALUPE FERNANDEZ

Defendant-Appellant

Appeals from the United States District Court
for the Southern District of Texas
USDC No. 2:04-CR-10-1
USDC No. 2:08-CR-251-1

Before SMITH, BENAVIDES, and HAYNES, Circuit Judges.

PER CURIAM:*

The Federal Public Defender appointed to represent Guadalupe Fernandez-Pena (Fernandez) has moved for leave to withdraw and has filed a brief in accordance with *Anders v. California*, 386 U.S. 738 (1967). Fernandez has not filed a response. Our independent review of the record and counsel's brief discloses no nonfrivolous issue for appeal. Accordingly, counsel's motion for leave to withdraw is GRANTED, counsel is excused from further responsibilities herein, and the APPEALS ARE DISMISSED. *See* 5TH CIR. R. 42.2.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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