

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

United States Court of Appeals  
Fifth Circuit

**FILED**

February 17, 2012

Lyle W. Cayce  
Clerk

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No. 11-10028  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

DAVID MONTES, also known as Ivan Ronces, also known as Gilberto Montes,  
also known as Clemente, also known as Cabanitas,

Defendant-Appellant

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 3:09-CR-286-4

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Before HIGGINBOTHAM, GARZA, and SOUTHWICK, Circuit Judges.

PER CURIAM:\*

The attorney appointed to represent David Montes 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). Montes has not filed a response. We have reviewed counsel's brief and the relevant portions of the record reflected therein. We concur with counsel's assessment that the appeal presents no nonfrivolous issue for appellate review. Accordingly,

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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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. Montes's motion for substitute counsel, as well as his motion to proceed pro se on appeal and for an extension of time to file an appellate brief, are DENIED. *See United States v. Wagner*, 158 F.3d 901, 902-03 (5th Cir. 1998).