

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

No. 15-40198
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

October 30, 2015

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

BERNARDO FRANCO-GUEVARA, also known as Ernesto Velasco-Escobar,
also known as Ernesto Franco-Guevara,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 7:14-CR-1514

Before HIGGINBOTHAM, ELROD, and SOUTHWICK, Circuit Judges.

PER CURIAM:*

The Federal Public Defender appointed to represent Bernardo Franco-Guevara 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). Franco-Guevara has filed a response and has moved for the appointment of substitute counsel. We have reviewed counsel's brief

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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and the relevant portions of the record reflected therein, as well as Franco-Guevara's response. We 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, and counsel is excused from further responsibilities herein. Franco-Guevara's motion for the appointment of substitute counsel is DENIED as untimely. *See United States v. Wagner*, 158 F.3d 901, 902–03 (5th Cir. 1998). The APPEAL IS DISMISSED. *See* 5TH CIR. R. 42.2.