

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 17-50758

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UNITED STATES OF AMERICA,

Plaintiff - Appellee

v.

RUTILIO HERNANDEZ, also known as Rudy,

Defendant - Appellant

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Appeal from the United States District Court  
for the Western District of Texas

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ON PETITION FOR REHEARING

Before JOLLY, OWEN, and HAYNES, Circuit Judges.

PER CURIAM:

IT IS ORDERED that the petition for rehearing is **DENIED**.

ENTERED FOR THE COURT:

*Handy Kelly*

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UNITED STATES CIRCUIT JUDGE

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 17-50758  
Summary Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**

March 21, 2018

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

RUTILIO HERNANDEZ, also known as Rudy,

Defendant-Appellant

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 2:02-CR-692-3

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Before JOLLY, OWEN, and HAYNES, Circuit Judges.

PER CURIAM:\*

The Federal Public Defender appointed to represent Rutilio 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). Hernandez has filed a response. We have reviewed counsel's brief and the relevant portions of the record reflected therein, as well as Hernandez's response. We concur with counsel's assessment that the appeal

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

No. 17-50758

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.