

No. \_\_\_\_\_

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In The  
SUPREME COURT OF THE UNITED STATES

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Pedro Hernandez Zarate,  
Petitioner,

V.

The United States of America,  
Respondent.

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On Petition For a Writ of Certiorari to  
The supreme Court of the United States

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APPENDIX

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PETITION FOR WRIT OF CERTIORARI  
Pedro Hernandez Zarate  
Pro Se Appellant  
37364-509  
FCI-Pollock  
P.O. Box 4050  
Pollock, LA 71467

# United States Court of Appeals for the Fifth Circuit

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No. 23-10164  
Summary Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**

September 5, 2023

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

*Plaintiff—Appellee,*

*versus*

PEDRO HERNANDEZ ZARATE,

*Defendant—Appellant.*

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 3:21-CR-112-3

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Before SMITH, HIGGINSON, and ENGELHARDT, *Circuit Judges*.

PER CURIAM:\*

The attorney appointed to represent Pedro Hernandez Zarate 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). Zarate has filed a response. We have reviewed counsel's brief and the relevant portions of the record reflected therein, as well as

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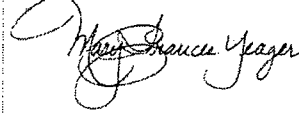
\* This opinion is not designated for publication. See 5TH CIR. R. 47.5.

No. 23-10164

Zarate'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, counsel is excused from further responsibilities herein, and the appeal is DISMISSED. *See* 5TH CIR. R. 42.2.

Sincerely,

LYLE W. CAYCE, Clerk

A handwritten signature in cursive script, appearing to read "Mary Frances Yeager".

By: Mary Frances Yeager, Deputy Clerk

Enclosure(s)

Mr. Brian W. McKay  
Mr. Pedro Hernandez Zarate