

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

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No. 09-15090  
Non-Argument Calendar

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FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT MAY 13, 2010 JOHN LEY CLERK
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D. C. Docket No. 09-00159-CR-5-RDP-PWG

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

MARCO ANTONIO HERNANDEZ-ESPINOZA,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Northern District of Alabama

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(May 13, 2010)

Before TJOFLAT, MARTIN and ANDERSON, Circuit Judges.

PER CURIAM:

John M. Kennemer, appointed counsel for Marco Antonio Hernandez-Espinoza in this direct criminal appeal, has moved to withdraw from further representation of the appellant and has filed a brief pursuant to *Anders v. California*, 386 U.S. 738, 87 S. Ct. 1396 (1967). Kennemer’s brief asserts nothing more than a “bare conclusion” that Hernandez-Espinoza’s appeal lacks merit, citing no authority to support his view that the appeal is frivolous. The brief falls far short of the *Anders* protocol. *See id.* at 744, 87 S. Ct. at 1400 (after a “conscientious examination” of the case, the attorney must submit a brief “referring to anything in the record that might arguably support the appeal”); *see also United States v. Blackwell*, 767 F.2d 1486, 1487–88 (11th Cir. 1985) (the *Anders* brief must point out “any irregularities in the trial process or other potential error which, although in his judgment not a basis for appellate relief, might, in the judgment of his client or another counselor or the court, be arguably meritorious”) (emphasis in original).

Nonetheless, our independent examination of the entire record reveals no arguably meritorious issues. Accordingly, counsel’s motion to withdraw is **GRANTED**, and Hernandez-Espinoza’s conviction and sentence are **AFFIRMED**.