

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

December 10, 2008

No. 08-30264
Conference Calendar

Charles R. Fulbruge III
Clerk

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

VINCENT MCDANIEL

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 5:05-CR-50119-1

Before DAVIS, WIENER, and PRADO, Circuit Judges.

PER CURIAM:*

On appeal from the denial of the district court's sua sponte motion to modify Vincent McDaniel's sentence, the Federal Public Defender appointed to represent McDaniel has moved for leave to withdraw and has filed a brief in accordance with *Anders v. California*, 386 U.S. 738 (1967). McDaniel has filed a response.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Our independent review of the record, counsel's brief, and McDaniel's response discloses no nonfrivolous issue for appeal. 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.