

October 6, 2005

Charles R. Fulbruge III
Clerk

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

No. 04-20724
USDC No. 4:04-CR-81-1

UNITED STATES OF AMERICA,

Plaintiff-

Appellee,

versus

EVARISTO BELTRAN RODRIGUEZ,

Defendant-

Appellant.

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

Before BARKSDALE, STEWART, and CLEMENT, Circuit Judges.

PER CURIAM:*

The attorney appointed to represent Evaristo Beltran Rodriguez has filed a motion to withdraw and briefs pursuant to Anders v. California, 386 U.S. 738, 744 (1967). Rodriguez has filed a response. Our independent review of the briefs and the record discloses no nonfrivolous issue in this direct appeal. Accordingly, the 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.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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