

**FILED**

October 6, 2005

Charles R. Fulbruge III  
Clerk

UNITED STATES COURT OF APPEALS  
FIFTH CIRCUIT

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05-30100  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ELLIS MOSES BARBER,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Western District of Louisiana  
2:03-CR-20093-1

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Before BARKSDALE, STEWART and CLEMENT, Circuit Judges.

PER CURIAM:\*

The Federal Public Defender appointed to represent Ellis Moses Barber has moved for leave to withdraw and has filed a brief as required by *Anders v. California*, 386 U.S. 738 (1967). Barber has filed a response claiming ineffective assistance of appellate counsel; and challenging the factual basis supporting his guilty plea and the district court's application of the statutorily-mandated minimum sentences.

Our independent review of the brief, the record, and Barber's response discloses no nonfrivolous issue for appeal. We decline

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

on direct appeal to address Barber's allegations of ineffective assistance of counsel. See **United States v. Brewster**, 137 F.3d 853, 859 (5th Cir.), *cert. denied*, 525 U.S. 908 (1998).

Counsel's motion for leave to withdraw is **GRANTED**. Counsel is excused from further responsibilities in this case, and the appeal is **DISMISSED**. See 5TH CIR. R. 42.2.