

October 25, 2006

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 05-51414
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

CURTIS DWAYNE MACKEY,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 5:04-CR-332-1

Before JOLLY, DeMOSS, and STEWART, Circuit Judges.

PER CURIAM:*

Counsel appointed to represent Curtis Dwayne Mackey has moved for leave to withdraw and has filed a brief in accordance with Anders v. California, 386 U.S. 738 (1967). Mackey has filed a response in which he requests the appointment of new counsel. Our independent review of counsel's brief, the record, and Mackey'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

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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APPEAL IS DISMISSED. See 5TH CIR. R. 42.2. Mackey's motion for appointment of new counsel is DENIED.