

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-41236
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

GILBERTO VILLANUEVA-AVILA,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. M-01-CR-448-1

June 18, 2002

Before HIGGINBOTHAM, DAVIS, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:*

The Federal Public Defender appointed to represent Gilberto Villanueva-Avila on appeal has moved for leave to withdraw as counsel and has filed a brief as required by Anders v. California, 386 U.S. 738 (1967). Villanueva has not filed a response to counsel's motion and brief.

Our independent review of the record discloses no non-frivolous issue for appeal. Accordingly, counsel's motion for

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

leave to withdraw is GRANTED, counsel is excused from further responsibilities herein, and the APPEAL IS DISMISSED. 5TH CIR. R. 42.2.