

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-20422
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

PECO PERICO MALLARD,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-00-CR-605-2

February 26, 2002

Before JONES, SMITH, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:*

Counsel appointed to represent Peco Perico Mallard on direct appeal has filed a motion to withdraw and a brief pursuant to Anders v. California, 386 U.S. 738, 744 (1967). Mallard has filed a response in which he lists the following potential issues for appeal: the evidence was not sufficient to connect him to a drug conspiracy; his plea was involuntary; he should have been allowed to plead to a lesser charge; the evidence does not support the drug quantity that was used to determine his sentence; 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

district court erred in attributing as relevant conduct the drug quantity that was used to determine his sentence.

Our independent review of the brief, Mallard's response, 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.