

February 17, 2004

IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

Charles R. Fulbruge III  
Clerk

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No. 03-40340  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

CLETO ANTUNEZ URDIERA,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. B-02-CR-551-ALL

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Before HIGGINBOTHAM, DAVIS, and PRADO, Circuit Judges.

PER CURIAM:\*

Court-appointed counsel for Cleto Antunez Urdiera has moved for leave to withdraw from this direct appeal and has filed a brief as required by *Anders v. California*.<sup>1</sup> Antunez Urdiera has received a copy of counsel's motion and brief but has not filed a response. Our independent review of the brief and of the record discloses no nonfrivolous issues for appeal. Accordingly, the motion for leave

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

<sup>1</sup>386 U.S. 738 (1967).

to withdraw is GRANTED, counsel is excused from further responsibilities, and the APPEAL IS DISMISSED.<sup>2</sup>

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<sup>2</sup>See 5TH CIR. R. 42.2.