

February 24, 2006

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 04-10614
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ERIC DWAIN SHACKLEFORD,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 1:04-CR-20-ALL-C

Before GARZA, DENNIS, and PRADO, Circuit Judges.

PER CURIAM:*

The Federal Public Defender appointed to represent Eric Dwain Shackelford on appeal from the revocation of his supervised release has moved for leave to withdraw and has filed a brief as required by Anders v. California, 386 U.S. 738 (1967).

Shackelford has filed a brief in response challenging the revocation decision, the effectiveness of his trial counsel, and the validity of his sentence in light of United States v. Booker, 543 U.S. 220 (2005). Shackelford also has filed a motion for 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

appointment of substitute counsel or, in the alternative, to proceed pro se.

Our review of the brief filed by counsel, Shackelford's response, and the record discloses no nonfrivolous issue for appeal. We decline to address any claim of ineffective assistance of counsel, without prejudice to Shackelford's right to assert such claims in a motion pursuant to 28 U.S.C. § 2255. United States v. Higdon, 832 F.2d 312, 313-14 (5th Cir. 1987). Shackelford's motion for the appointment of substitute counsel, or in the alternative to proceed pro se, is DENIED. See United States v. Wagner, 158 F.3d 901, 902-03 (5th Cir. 1998). Counsel's motion for leave to withdraw is GRANTED, counsel is excused from further responsibilities, and the appeal is DISMISSED. See 5TH CIR. R. 42.2.