

April 12, 2006

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 05-10607
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JUSTIN LONGMIRE,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:04-CR-165

Before JONES, Chief Judge, and JOLLY and DAVIS, Circuit Judges.

PER CURIAM:*

Counsel appointed to represent Justin Longmire has moved to withdraw and has filed a brief as required by Anders v. California, 386 U.S. 738 (1967). Longmire has not filed a response to counsel's motion to withdraw.

Our independent review of the brief and the record discloses no nonfrivolous issues for appeal. We decline to address any claim of ineffective assistance of counsel, without prejudice to Longmire's right to assert such claims in a motion pursuant to 28 U.S.C. § 2255. See United States v. Brewster, 137 F.3d 853, 859 (5th Cir. 1998). Accordingly, counsel's motion for leave to

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

withdraw is GRANTED, counsel is excused from further responsibilities herein, and the appeal is DISMISSED. See 5TH CIR. R. 42.2.