

February 14, 2007

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 05-51107  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JIMMY BATISTE,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 1:04-CR-133-1  
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Before BARKSDALE, GARZA, and CLEMENT, Circuit Judges.

PER CURIAM:\*

Court-appointed counsel for Jimmy Batiste has requested leave to withdraw and has filed a brief as required by Anders v. California, 386 U.S. 738 (1967). Batiste has not filed a response. Our independent review of the record and counsel's brief discloses no nonfrivolous issue for appeal. 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.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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