

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-40882
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

WALTER EARL HACKLER,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. C-96-CR-80-1
- - - - -

June 17, 1997

Before SMITH, STEWART, and DENNIS, Circuit Judges.

PER CURIAM:*

Walter Earl Hackler appeals from his conviction by guilty plea of bank robbery and using a firearm in a bank robbery. He contends solely that there was no factual basis to support his plea because he was insane when he committed his offense. Hackler's appeal is frivolous; he waived any insanity defense when he entered his guilty plea. *United States v. Smallwood*, 920

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

F.2d 1231, 1240 (5th Cir. 1991).

We admonish counsel that he has a duty not to pursue frivolous appeals. *United States v. Burlison*, 22 F.3d 93, 95 (5th Cir. 1994). *Anders v. California*, 386 U.S. 738 (1967), provides a procedure for appointed counsel to move for withdrawal from representation of a defendant when counsel determines that there are no nonfrivolous appellate issues.

APPEAL DISMISSED. 5TH CIR. R. 42.2.