

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 98-40059  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ALFREDO GUILLEN-ALVAREZ,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. B-97-CR-335-1  
- - - - -

October 21, 1998

Before EMILIO M. GARZA, DeMOSS and BENAVIDES, Circuit Judges.

PER CURIAM:\*

The Federal Public Defender has filed a brief and motion to withdraw pursuant to Anders v. California, 396 U.S. 738 (1976). The defendant was notified of his right to respond to counsel's motion, but he has not done so.

We have independently reviewed the brief and the record and found no nonfrivolous issue. Accordingly, counsel is excused from further responsibilities herein and the APPEAL IS DISMISSED. 5TH CIR. R. 42.2.

MOTION TO WITHDRAW GRANTED; APPEAL DISMISSED.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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