

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 98-41137  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JAMES FRANKLIN HEATER,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Eastern District of Texas  
USDC No. 1:98-CR-46-ALL  
- - - - -

June 15, 1999

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

PER CURIAM:\*

Court-appointed counsel for James Franklin Heater, the federal public defender (FPD), has filed a motion to withdraw as counsel and a brief as required by Anders v. California, 386 U.S. 738, 744 (1967). Heater has not filed a response to counsel's motion and brief. Our independent review of counsel's brief and the record on appeal discloses no nonfrivolous issues. Accordingly, counsel's motion to withdraw is GRANTED, and the APPEAL IS 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.