

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-50091
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

VERSUS

CESAR OCTAVIO MORALES-HINOJOSA,

Defendant-Appellant.

Appeal from the United States District Court
For the Western District of Texas
EP-97-CR-569-1-DB

August 13, 1998

Before Duhé, Benavides, and Parker, Circuit Judges.

ROBERT M. PARKER, Circuit Judge*:

Court-appointed counsel for Cesar Octavio Morales-Hinojosa has filed a brief pursuant to *Anders v. California*, 386 U.S. 738 (1967) and a motion for leave to withdraw as counsel. Morales-Hinojosa has filed a response. Upon independent review of the record, we find that counsel's *Anders* brief is inadequate. In order for an *Anders* brief to be adequate, counsel must refer to anything in the

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

record that might arguably support the appeal. *Id.* at 744. Our independent review reveals two potential errors which are conspicuously absent from the *Anders* brief. We do not foreclose the possibility that other errors exist.

Accordingly, it is ordered that counsel's motion for leave to withdraw as counsel is denied. It is further ordered that the *Anders* brief be stricken. It is further ordered that counsel brief the sufficiency of the district court's explanation of the effects of violating supervised release and explanation that the answers Morales-Hinojosa would provide to the court's questions could later be used against him in a prosecution for perjury or false statement.

MOTION DENIED. ANDERS BRIEF STRICKEN.