

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 99-41336  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

DANIEL CASTRO-URENIA,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. L-99-CR-311-1  
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August 22, 2000

Before KING, Chief Judge, and POLITZ and WIENER, Circuit Judges.

PER CURIAM:\*

The Federal Public Defender appointed to represent Daniel Castro-Urenia has moved for leave to withdraw and has filed a brief as required by Anders v. California, 386 U.S. 738 (1967). In response to counsel's motion to withdraw, Castro-Urenia has filed a pro se supplemental brief in which he argues that his attorney was ineffective for erroneously advising him that his plea agreement with the Government would limit his imprisonment term to 53 months. The record has not been adequately developed for us to consider Castro-Urenia's argument on direct appeal.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

See United States v. Higdon, 832 F.2d 312, 313-14 (5th Cir. 1987). Our independent review of counsel's brief and the record discloses no nonfrivolous appellate issue. Accordingly, counsel's motion for leave to withdraw is GRANTED, counsel is excused from further responsibilities herein, and the APPEAL IS DISMISSED. See 5<sup>TH</sup> CIR. R. 42.2.