

FILED

February 24, 2006

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 04-40916
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellant,

versus

ELMER IVAN GARTH-DAVINSON CANALES,
also known as Arnolde Canales,

Defendant-Appellee.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 1:01-CR-398-1

Before GARZA, DENNIS, and PRADO, Circuit Judges.

PER CURIAM:*

Court-appointed counsel for Elmer Ivan Garth-Davinson Canales has moved for leave to withdraw and has filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967). Davinson was notified of counsel's motion, but he has not filed a response. Our review of counsel's brief and the record discloses no nonfrivolous issue for appeal. The motion for leave to withdraw is GRANTED, counsel is excused from further responsibilities, and the appeal is DISMISSED. See 5TH CIR. R. 42.2.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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