

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

February 20, 2009

Charles R. Fulbruge III
Clerk

No. 07-40923
Summary Calendar

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

ALFREDO JOSE BRETADO

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 5:07-CV-84
USDC No. 5:05-CR-562-1

Before JOLLY, BENAVIDES, and HAYNES, Circuit Judges.

PER CURIAM:*

Alfredo Jose Bretado, federal prisoner # 47479-179, filed a 28 U.S.C. § 2255 motion challenging his conviction and 121-month sentence for possession with intent to distribute more than five kilograms of cocaine. The district court denied the motion and granted a certificate of appealability on one issue.

The attorney appointed to represent Bretado has moved for leave to withdraw and has filed a brief in accordance with *Anders v. California*, 386 U.S.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

738 (1967), and *Dinkins v. Alabama*, 526 F.2d 1268, 1269 (5th Cir. 1976). Bretado has filed a response. Our independent review of the record, counsel's brief, and Bretado's response discloses no nonfrivolous issue for appeal. Accordingly, counsel's motion for leave to withdraw is GRANTED, counsel is excused from further responsibilities herein, and the APPEAL IS DISMISSED. *See* 5TH CIR. R. 42.2.