

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

---

No. 00-41002  
Conference Calendar

---

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

DARYL DEWAYNE CARTER,

Defendant-Appellant.

-----  
Appeal from the United States District Court  
for the Eastern District of Texas  
USDC No. 6:00-CR-5-1  
-----

August 23, 2001

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

PER CURIAM:\*

Court-appointed counsel representing Daryl Dewayne Carter has moved for leave to withdraw and has filed a brief in accordance with Anders v. California, 386 U.S. 738 (1967). Carter was provided with a copy of counsel's Anders motion and brief. Carter has filed a response asserting that the district court abused its discretion in denying his motion to withdraw his guilty plea and that counsel was ineffective.

Our independent review of the record, counsel's brief, and Carter's response shows that there are no nonfrivolous issues for

---

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

appeal. 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.