

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 01-10456  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JOSE GARCIA GARCIA, also known as  
Jose Garcia-Garcia,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 3:00-CR-266-21-X  
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August 20, 2002

Before HIGGINBOTHAM, DAVIS, and PARKER, Circuit Judges.

PER CURIAM:\*

Counsel for Jose Garcia Garcia ("Garcia") has moved for leave to withdraw and has filed a brief in accordance with Anders v. California.<sup>1</sup> Our independent review of the record, counsel's brief, and Garcia's pro se response shows that there are no nonfrivolous issues for appeal. In his response, Garcia argues inter alia that his counsel was ineffective for failing to raise Amendment 484 of the Sentencing Guidelines. The record has not been adequately developed for us to consider this argument on

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

<sup>1</sup> 386 U.S. 738 (1967).

direct appeal. See United States v. Rivas, 157 F.3d 364, 369 (5th Cir. 1998).

Accordingly, counsel's motion for leave to withdraw is GRANTED, counsel is excused from further responsibilities herein, and this appeal is DISMISSED. See 5TH CIR. R. 42.2.