

UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 01-20186  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

VERSUS

ANTONIO ISAURO CORTEZ,

Defendant - Appellant.

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Appeal from the United States District Court  
For the Southern District of Texas, Houston Division

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(Criminal No. H-CR-00-650)

January 8, 2002

Before DeMOSS, PARKER and DENNIS, Circuit Judges

PER CURIAM: \*

O R D E R:

Court-appointed counsel for Antonio Cortez has filed a motion to withdraw and an accompanying brief as required by *Anders v. California*, 386 U.S. 738 (1967). Counsel has not, however,

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

fulfilled the requirements of *Anders*.

*Anders* established standards for an appointed attorney who seeks to withdraw from a direct criminal appeal on the ground that the appeal lacks an issue of arguable merit. After a "conscientious examination" of the case, the attorney must request permission to withdraw and must submit a "brief referring to anything in the record that might arguably support the appeal." *Anders*, 386 U.S. at 744. The attorney must isolate "possibly important issues" and must "furnish the court with references to the record and legal authorities to aid it in its appellate function." *United States v. Johnson*, 527 F.2d 1328, 1329 (5th Cir. 1976).

Counsel has failed to obtain and file a copy of the transcript of Cortez's sentencing hearing, without which this court cannot conduct a "full examination of all the proceedings." See *Anders*, 386 U.S. at 744. Accordingly, his motion to withdraw is DENIED WITHOUT PREJUDICE.

IT IS FURTHER ORDERED that a copy of the sentencing transcript be obtained for inclusion in the record. See 18 U.S.C. § 3006A(d)(6).

IT IF FURTHER ORDERED that, within 40 days after the filing of said transcript, counsel must submit either a regular appellate brief or an adequate *Anders* brief with a renewed motion for leave to withdraw.