

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 01-41127  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

DONTE RAMONE BURTON,

Defendant-Appellant.

- - - - -  
Appeal from the United States District Court  
for the Eastern District of Texas  
USDC No. 1:00-CR-198-1  
- - - - -

August 20, 2002

Before HIGGINBOTHAM, DAVIS, and PARKER, Circuit Judges.

PER CURIAM:\*

The Federal Public Defender appointed to represent Donte Ramone Burton has moved for leave to withdraw and has filed a brief as required by Anders v. California, 386 U.S. 738 (1967). Burton has filed a *pro se* brief in response to the motion. Burton argues that the district court erred by not departing below the statutory minimum sentence, and he contends that his

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

appellate counsel has provided ineffective assistance by failing to raise any grounds for appeal.

Burton knowingly and voluntarily waived his appeal rights, except as to sentencing guideline determinations, and our independent review of the briefs and the record 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.