

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-50066
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JOSEO DANIEL AVITA-BENAVIDES, also known as
Mario Jose Navarro, also known as
Jose Daniel Avita-Benavides, also known as
Mario Navarro-Benavides,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. EP-00-CR-1430-ALL-DB

August 23, 2001

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

PER CURIAM:*

The Federal Public Defender appointed to represent Joseo Daniel Avita-Benavides has moved for leave to withdraw and has filed a brief as required by Anders v. California, 386 U.S. 738 (1967). Avita-Benavides has not filed a response. Our independent review of the brief and the record discloses no nonfrivolous issue in this direct appeal. Accordingly, the motion for leave to withdraw is GRANTED, counsel is excused from

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

further responsibilities herein, and the APPEAL IS DISMISSED.

See 5TH CIR. R. 42.2.