

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 02-10416
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

GEORGE MUNOZ,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:92-CR-102-A

November 27, 2002

Before JONES, STEWART, and DENNIS, Circuit Judges.

PER CURIAM:*

The Federal Public Defender appointed to represent George Munoz has moved for leave to withdraw and has filed a brief as required by Anders v. California, 386 U.S. 738 (1967). Munoz received a copy of counsel's motion and brief and has filed a response. Munoz submits that counsel's Anders brief is deficient because counsel fails to raise a nonfrivolous issue. Munoz argues that the district court failed to follow 18 U.S.C. § 3553(a)(5), which requires the district court to consider "any pertinent policy

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

statement issued by the Sentencing Commission pursuant to 28 U.S.C. 994(a)(2) that is in effect on the date the defendant is sentenced." 18 U.S.C. § 3553(a)(5). Munoz also moves for the appointment of counsel. His motion is DENIED.

Our independent review of the brief, the issues raised in Munoz's response, and the record discloses no nonfrivolous issue. 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.