

April 23, 2003

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 02-11042
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

CURTIS DALE DAUGHERTY,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 6:01-CR-069-01-C

Before DAVIS, BARKSDALE, and STEWART, Circuit Judges.

PER CURIAM:*

The Federal Public Defender, appointed to represent Curtis Dale Daugherty ("Daugherty"), has requested leave to withdraw and has filed a brief as required by Anders v. California, 386 U.S. 738 (1967). Daugherty has received a copy of counsel's motion and brief and has filed a response. Our independent review of the brief and the record discloses no nonfrivolous issue for appeal. The record has not been adequately developed for us to consider in this direct appeal the ineffective assistance claims

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

raised by Daugherty. See United States v. Gibson, 55 F.3d 173, 179 (5th Cir. 1995). Counsel's motion for leave to withdraw is GRANTED, counsel is excused from further responsibilities, and the appeal is DISMISSED. See 5TH CIR. R. 42.2.

MOTION GRANTED; APPEAL DISMISSED.