

August 20, 2003

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 02-20727
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

VIRGINIA RIOJAS,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-95-CR-142-49

Before JONES, WIENER, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Court-appointed counsel for Virginia Riojas has moved for leave to withdraw from this appeal and has filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967). Riojas has filed a response to the motion, contending that the district court erred in determining her sentence and that the evidence was insufficient to link her to the drug offense for which she was convicted.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Our independent review of the brief, the record, and Riojas' response discloses no nonfrivolous issue for appeal. Riojas waived the right to appeal her sentence, without exception. The sentencing issues she asserts are waived. See United States v. Melancon, 972 F.2d 566, 567 (5th Cir. 1992). Riojas' knowing and voluntary guilty plea waived any argument that the evidence was insufficient to connect her with the offense. See Nobles v. Beto, 439 F.2d 1001, 1002 n.1 (5th Cir. 1971).

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.