

October 22, 2003

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 02-21146  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ETUS COLLMAN,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. H-01-CR-327-1  
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Before KING, Chief Judge, and JOLLY and STEWART, Circuit Judges.

PER CURIAM:\*

Attorney Chris Iles, appointed to represent Etus Collman ("Collman"), has requested leave to withdraw and has filed a brief as required by Anders v. California, 386 U.S. 738 (1967). Collman has filed a response raising sentencing issues. Collman knowingly and voluntarily waived his right to appeal his sentence except for an upward departure. United States v. Portillo, 18 F.3d 290, 292 (5th Cir. 1994). These issues are therefore waived. Collman's requests for the dismissal of his appellate

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

counsel and the appointment of new counsel are DENIED.

Our independent review of the brief, the record, and Collman's response discloses no nonfrivolous issue for appeal. 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.