

FILED

February 13, 2004

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 02-21178
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

CEDRICK RODGERS,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-01-CV-2105
USDC No. H-99-CR-737-2

Before JONES, BENAVIDES and CLEMENT, Circuit Judges.

PER CURIAM:*

Larry Chris Iles, court-appointed counsel for Cedrick Rodgers, has filed a motion for leave to withdraw as counsel pursuant to Anders v. California, 386 U.S. 738 (1967), asserting that Rodgers's appeal does not present a nonfrivolous issue. See Dinkins v. Alabama, 526 F.2d 1268, 1269 (5th Cir. 1976). Rodgers

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

has filed a response to counsel's motion, arguing that his appeal raises nonfrivolous claims of ineffective assistance of counsel.

Our independent review of counsel's Anders brief, Rodgers's response and the record discloses no nonfrivolous issue for appeal. 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. The request for a COA, requested implicitly by the notice of appeal, is **DENIED**.