

October 22, 2003

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 02-21350
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

FREDERICK LAMAR HAWTHORNE,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-02-CR-307-3

Before KING, Chief Judge, and JOLLY and STEWART, Circuit Judges.

PER CURIAM:*

Court-appointed counsel for Frederick Lamar Hawthorne has requested leave to withdraw and has filed a brief as required by Anders v. California, 386 U.S. 738 (1967). Although he was notified of counsel's motion, Hawthorne has filed no response.

Our independent review of counsel's brief and the record discloses no nonfrivolous issue for appeal with respect to Hawthorne's conviction. As part of his plea agreement, Hawthorne

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

validly waived his right to directly appeal his sentence.

See United States v. Portillo, 18 F.3d 290, 292 (5th Cir. 1994).

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.