

October 22, 2003

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 02-31257  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

HERMAN TURLICH, JR.,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Eastern District of Louisiana  
USDC No. 02-CR-212-ALL  
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Before KING, Chief Judge, and JOLLY and STEWART, Circuit Judges.

PER CURIAM:\*

Counsel for Herman Turlich, Jr., has moved for leave to withdraw from this appeal and has filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967). Turlich has filed a response to the motion, contending that the district court erred in determining his sentence.

Our independent review of the brief, the record, and Turlich's response discloses no nonfrivolous issue for appeal. Turlich waived the right to appeal his sentence, allowing only

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

for appeals from sentences above the statutory limit or outside the determined guideline range. The sentencing issue he asserts is waived as Turlich's sentence fell within the guideline range determined by the district court. See United States v. Melancon, 972 F.2d 566, 567 (5th Cir. 1992).

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.