

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 02-40223
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ROBERT BENAVIDEZ,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. B-01-CR-139-2

December 12, 2002

Before JOLLY, JONES, and CLEMENT, Circuit Judges.

PER CURIAM:*

Court-appointed counsel for Robert Benavidez has requested leave to withdraw and has filed a brief as required by Anders v. California, 386 U.S. 738 (1967). Benavidez has filed an opposition and a request for appointment of new counsel or alternatively for permission to proceed pro se. Our independent review of counsel's brief, the record, and Benavidez's response discloses no nonfrivolous issue for appeal. Counsel's motion for

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

leave to withdraw is GRANTED, counsel is excused from further responsibilities, and the appeal is DISMISSED. See 5TH CIR. R. 42.2. Benavidez's motion for appointment of new counsel or alternatively for permission to proceed pro se is also DENIED.

ANDERS MOTION GRANTED; APPEAL DISMISSED; MOTION FOR APPOINTMENT OF COUNSEL OR FOR PERMISSION TO PROCEED PRO SE DENIED.