

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

---

No. 02-40811  
Conference Calendar

---

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JOSE ALBERTO CRUZ, also known as Jose Alberto Ferufino-Cruz,

Defendant-Appellant.

-----  
Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. M-01-CR-530-1  
-----

February 20, 2003

Before WIENER, EMILIO M. GARZA, and CLEMENT, Circuit Judges.

PER CURIAM:\*

The Federal Public Defender representing Jose Alberto Cruz has moved for leave to withdraw from the appeal of Cruz's motion to modify sentence and has filed a brief as required by Anders v. California, 386 U.S. 738 (1967). Our independent review of counsel's brief, Cruz's response, and the record discloses no nonfrivolous issue. Accordingly, counsel's motion for leave to withdraw is GRANTED, counsel is excused from further

---

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

No. 02-40811

-2-

responsibilities herein, and the APPEAL IS DISMISSED. See 5TH  
CIR. R. 42.2.