

July 21, 2003

IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

Charles R. Fulbruge III
Clerk

No. 02-41500
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

CLARK DALE SHUTTER,

Defendant-Appellant.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 1:01-CR-184-1

Before JOLLY, JONES, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:*

The attorney appointed to represent Clark Dale Shutter on appeal has moved for leave to withdraw from representation of Shutter, pursuant to *Anders v. California*, 386 U.S. 738 (1967). Shutter has responded to counsel's motion and has moved to withdraw the *Anders* brief and for appointment of counsel. We have reviewed counsel's motion and *Anders* brief, Shutter's response, and the record and we find no nonfrivolous issues.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Accordingly, counsel's motion to withdraw is GRANTED; counsel is excused from further responsibilities herein; Shutter's motion to withdraw the *Anders* brief and for appointment of counsel is DENIED; and the APPEAL IS DISMISSED. See 5TH CIR. R. 42.2.