

April 21, 2004

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 03-10910
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

GILBERTO RODRIGUEZ-CASTILLO,
also known as Jose Guadalupe Rodriguez,
also known as Juan Antonio Ruiz Castillo,
also known as Castillo Gilberto Rodriguez,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:03-CR-18-ALL-P

Before JOLLY, JONES, and SMITH, Circuit Judges.

PER CURIAM:*

The Federal Public Defender appointed to represent Gilberto Rodriguez-Castillo (Rodriguez) has moved for leave to withdraw and has filed a brief as required by Anders v. California, 386 U.S. 738 (1967). Rodriguez has filed a response, arguing that he received excessive criminal history points for his prior convictions, his criminal history score overrepresents the

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

seriousness of his criminal history, the district court should have downwardly departed, and he should not have received a 16-level increase in his offense level for having a prior conviction for a crime of violence.

Our independent review of the brief, Rodriguez's response, and the record discloses no nonfrivolous issue for appeal. 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.