

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

November 18, 2003

Charles R. Fulbruge III
Clerk

No. 03-20054
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

EDGAR ALFRED MOSQUERA, also known as Calidoso,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-01-CR-781-1

Before HIGGINBOTHAM, DAVIS and PRADO, Circuit Judges.

PER CURIAM:*

Counsel appointed to represent Edgar Alfred Mosquera has moved for leave to withdraw and has filed a brief as required by Anders v. California, 386 U.S. 738 (1967). Mosquera has filed a response wherein he argues that his criminal-mischief conviction should have been excluded from the computation of his criminal history score. Although the district court discussed the conviction at the sentencing hearing, the arguments made by

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Mosquera are raised for the first time on appeal. Accordingly, they are reviewed for plain error only. See United States v. Olano, 507 U.S. 725, 732 (1993).

Our independent review of the brief, the record, and Mosquera's response discloses no nonfrivolous issues in this direct appeal. Accordingly, the motion for leave to withdraw is GRANTED, and counsel is excused from further responsibilities herein. The appeal is DISMISSED. See 5TH CIR. R. 42.2.