

February 18, 2004

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 03-40625
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JOSEPH EDWARD MCKENZIE,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. V-02-CR-56-ALL

Before HIGGINBOTHAM, EMILIO M. GARZA, and PRADO, Circuit Judges.

PER CURIAM:*

Court-appointed counsel for Joseph Edward McKenzie ("McKenzie") has requested leave to withdraw from this appeal and has filed a brief as required by Anders v. California, 386 U.S. 738 (1967). McKenzie has received a copy of counsel's motion and brief but has not filed a response. Our independent review of the brief and the record discloses no nonfrivolous issues for appeal. Counsel's motion for leave to withdraw is GRANTED,

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

counsel is excused from further responsibilities, and the appeal is DISMISSED. See 5TH CIR. R. 42.2.

APPEAL DISMISSED; MOTION TO WITHDRAW GRANTED.