

June 30, 2004

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 03-40678  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

FRANTZ LEROY DAVIS,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. C-02-CR-274-1  
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Before Jones, Benavides, and Clement, Circuit Judges.

PER CURIAM:\*

Retained counsel for Frantz Leroy Davis has moved for leave to withdraw and has filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967). Davis was sent 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 issue for appeal. Accordingly, counsel's motion for leave to withdraw is granted, counsel is excused from further

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

responsibilities herein, and the appeal is dismissed. See 5TH CIR. R. 42.2.

The case is remanded for the purpose of correcting a clerical error in the judgment. See FED. R. CRIM. P. 36. The amended judgment should reflect that Counts Two and Three of the superseding indictment were dismissed upon the Government's motion.

MOTION GRANTED; APPEAL DISMISSED; REMANDED FOR CORRECTION OF CLERICAL ERROR.