

September 23, 2004

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 03-41332
Summary Calendar

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

ALBERT SMITH, III

Defendant - Appellant

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 1:03-CR-41-1

Before KING, Chief Judge, and SMITH and BENAVIDES, Circuit
Judges.

PER CURIAM:*

Counsel appointed to represent Albert Smith, III, has
requested leave to withdraw from this appeal and has filed a
brief as required by Anders v. California, 386 U.S. 738 (1967).
Smith has filed a response and a supplemental response.

Our independent review of counsel's brief, Smith's response
and supplemental response, and the record discloses no
nonfrivolous issues for appeal. Counsel's motion for leave to
withdraw is GRANTED, counsel is excused from further

* 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this opinion should not be published and is not precedent except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, and the appeal is DISMISSED. See 5TH CIR.
R. 42.2.

APPEAL DISMISSED; MOTION TO WITHDRAW GRANTED.