

FILED

October 18, 2006

UNITED STATES COURT OF APPEALS
FIFTH CIRCUIT

Charles R. Fulbruge III
Clerk

No. 04-11092
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

RANDY K. MASSEY,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of Texas
(3:00-CR-335-ALL-R)

Before DAVIS, BARKSDALE, and BENAVIDES, Circuit Judges.

PER CURIAM:*

The Federal Public Defender appointed to represent Randy Massey has moved for leave to withdraw and has filed a brief in accordance with *Anders v. California*, 386 U.S. 738 (1967). Based on our review of the record, counsel's brief, and Massey's response, there are no nonfrivolous issues for appeal. (Massey's *pro se* motion to recuse the district judge is **DENIED**.) Accordingly, the motion for leave to withdraw is **GRANTED**; counsel

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

is excused from further responsibilities herein; and this appeal is
DISMISSED. See 5th Cir. R. 42.2.