

October 25, 2006

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 04-40863
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

VICTOR DANIEL HERNANDEZ,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 2:93-CR-212-2

Before JOLLY, DeMOSS, and STEWART, Circuit Judges.

PER CURIAM:*

Counsel appointed to represent Victor Daniel Hernandez on appeal from the revocation of his term of supervised release has moved for leave to withdraw and has filed a brief as is required by Anders v. California, 386 U.S. 738 (1967). Hernandez has not responded to counsel's motion.

Our independent review of the brief filed by counsel and of the record discloses no nonfrivolous issue for appeal. Counsel's motion for leave to withdraw is GRANTED, counsel is excused

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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from further responsibilities, and the appeal is DISMISSED.

See 5TH CIR. R. 42.2.