

October 25, 2006

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 05-11396
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ADOLPH GUTIERREZ,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 1:02-CR-50

Before JOLLY, DeMOSS, and STEWART, Circuit Judges.

PER CURIAM:*

The Federal Public Defender appointed to represent Adolph Gutierrez on appeal from the revocation of his probation has moved for leave to withdraw and has filed a brief as required by Anders v. California, 386 U.S. 738 (1967). Gutierrez 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 from

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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