

March 9, 2007

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 05-40461
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JONATHAN EDWARD HOUSE,

Defendant-Appellant.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 9:04-CR-22-ALL

Before DAVIS, BARKSDALE, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Counsel appointed to represent Jonathan Edward House has requested leave to withdraw from this appeal and has filed a brief as required by Anders v. California, 386 U.S. 738 (1967). House has filed responses to counsel's motion to withdraw, moving for the appointment of counsel and raising several claims, including claims of ineffective assistance of counsel. The Government has moved for dismissal of the appeal based on House's appeal waiver.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Our independent review of the record and counsel's brief discloses no nonfrivolous issue for appeal. Counsel's motion for leave to withdraw is GRANTED, counsel is excused from further responsibilities, House's motion for appointment of counsel is DENIED, and the APPEAL IS DISMISSED without prejudice to House's right to bring his ineffective assistance of counsel claims in a motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255. See 5TH CIR. R. 42.2. The Government's motion to dismiss the appeal is DENIED AS MOOT.

DISMISSED.