

October 25, 2006

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 05-41546
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

TERRY MONTGOMERY,

Defendant-Appellant.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 1:05-CR-16-ALL

Before JOLLY, DeMOSS, and STEWART, Circuit Judges.

PER CURIAM:*

The Federal Public Defender appointed to represent Terry Montgomery has moved for leave to withdraw and has filed a brief as required by Anders v. California, 386 U.S. 738 (1967). Montgomery 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 further responsibilities, and the appeal is DISMISSED.

See 5TH CIR. R. 42.2.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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