

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 93-1817  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

MICHAEL ANGELO RIVERA,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 3:93-CR-141-T-(06)  
- - - - -  
(March 24, 1994)

Before KING, DAVIS, and DeMOSS, Circuit Judges.

BY THE COURT:

The appeal of Michael Angelo Rivera, in which court-appointed counsel Ira R. Kirkendoll has filed a brief pursuant to Anders v. California, 386 U.S. 738, 87 S.Ct. 1396, 18 L.Ed.2d 993 (1967), raises no issue of arguable merit. Therefore, the motion of counsel to withdraw is GRANTED and the appeal is DISMISSED. The dismissal is without prejudice as to the assertion of an ineffective-assistance-of-counsel claim in a later proceeding under 28 U.S.C. § 2255. See United States v. Jackson, 578 F.2d 1162, 1164 (5th Cir. 1978); 5th Cir. R. 42.2.