

UNITED STATES COURT OF APPEALS  
FIFTH CIRCUIT

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No. 94-50722

(Summary Calendar)

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

DAVERNE M. FOY,

Defendant-Appellant.

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Appeal from the United States District Court  
For the Western District of Texas  
(A 91 CR 172 01 SS)

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August 25, 1995

Before HIGGINBOTHAM, DUHE, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:\*

Court-appointed counsel for Daverne M. Foy has filed a brief in compliance with *Anders v. California*, 386 U.S. 738, 87 S. Ct. 1396, 18 L. Ed. 2d 493 (1967), and has moved to withdraw as counsel, stating that the district court has complied with the instructions of this Court in *United States v. Foy*, 28 F.3d 464 (5th Cir.), *cert. denied*, \_\_\_ U.S. \_\_\_, 115 S. Ct. 610, 130 L. Ed. 2d 520 (1994). We have independently reviewed counsel's brief, the

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\* Local Rule 47.5.1 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

points raised by Foy in his response to counsel's brief, and we have found no nonfrivolous issue. Accordingly, we GRANT counsel's motion to withdraw, DENY Foy's request for appointment of new counsel, and DISMISS Foy's appeal.