

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-50865
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ANTONY MICHAEL UPTON;
SANTA BARBARA CASTLE DEVELOPMENT CORP.,
a/k/a Castle Construction Corp.,

Defendants-Appellants.

- - - - -
Appeal from the United States District Court
for the Western District of Texas
USDC No. A-94-CR-10-4,5
- - - - -

August 7, 1997

Before POLITZ, Chief Judge, SMITH and BENAVIDES, Circuit Judges.

PER CURIAM:*

Counsel was appointed by this court to assist Antony Michael Upton in challenging the district court's determination that any appeal would be frivolous, thus denying Upton leave to proceed on appeal in forma pauperis (IFP). Court-appointed counsel has moved to withdraw as counsel pursuant to Anders v. California, 386 U.S. 738 (1967). Our independent review of counsel's statement of issues, Upton's response, and the record discloses

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

no nonfrivolous issue. Accordingly, counsel is excused from further responsibilities herein, Upton's motion for leave to proceed IFP is DENIED, and the APPEAL IS DISMISSED. See 5th Cir. R. 42.2.

Because no attorney has made an appearance on behalf of the defendant corporation, the appeal is DISMISSED as to the corporation for want of prosecution. See 5th Cir. R. 42.3.1; In re K.M.A., Inc., 652 F.2d 398, 399 (5th Cir. Unit B 1981).

IFP DENIED. APPEAL DISMISSED.