

UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 97-40668  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

TIMOTEO GASCA,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Texas  
(C-94-143-05)

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April 9, 1998

Before WIENER, BARKSDALE, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:\*

Court-appointed counsel for Timoteo Gasca have moved for leave to withdraw as counsel on appeal having also filed a brief as required by *Anders v. California*, 386 U.S. 738 (1967). Gasca has not responded. Our independent review of the brief and record does not disclose a nonfrivolous issue. Accordingly, the motion is GRANTED and counsel is excused from further responsibilities herein and the appeal is **DISMISSED**.

**MOTION GRANTED; APPEAL DISMISSED**

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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