

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 98-40728  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ROY MILES,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Eastern District of Texas  
USDC No. 3:97-CR-5-8  
- - - - -

June 28, 1999

Before EMILIO M. GARZA, DeMOSS, and BENAVIDES, Circuit Judges.

PER CURIAM:\*

Court-appointed counsel for Roy Miles has moved for leave to withdraw and has filed a brief as required by Anders v. California, 386 U.S. 738 (1967). Miles has filed a response. Our independent review of counsel's brief, Miles' response, and the record discloses no nonfrivolous issue. Accordingly, the motion for leave to withdraw is GRANTED, counsel is excused from further responsibilities herein, and the APPEAL IS DISMISSED. See 5TH CIR. R. 42.2.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Miles' claim of ineffective assistance of counsel cannot be resolved on direct appeal. See United States v. Gibson, 55 F.3d 173, 179 (5th Cir. 1995). However, his ineffective-assistance claim may be raised in a 28 U.S.C. § 2255 motion. See United States v. Pierce, 959 F.2d 1297, 1301 (5th Cir. 1992).