

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-40069
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

GONZALO SOSA-MORALES,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. B-98-CR-513-1

February 1, 2000

Before SMITH, BARKSDALE, and PARKER, Circuit Judges.
PER CURIAM:*

The Federal Public Defender appointed to represent Gonzalo Sosa-Morales has moved for leave to withdraw and has filed a brief as required by Anders v. California, 386 U.S. 738 (1967). Sosa-Morales has filed a response, arguing that the district court erred by imposing a 16-level enhancement pursuant to U.S.S.G. § 2L1.2(b)(1)(A) based on a prior Texas conviction for theft.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Our independent review of the brief, the record, and Sosa-Morales's response discloses no nonfrivolous issue in this direct appeal. 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.