

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 99-60192  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JAMES WILSON BROCK, also known  
as Tobert Sones Brock Jr.,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Mississippi  
USDC No. 3-97-CR-56-ALL-LN  
- - - - -

June 1, 2000

Before JOLLY, JONES, and BENAVIDES, Circuit Judges.

PER CURIAM:\*

James Wilson Brock was convicted of conspiracy to defraud the Government of claims in violation of 18 U.S.C. § 286. Brock's court-appointed counsel, Cynthia A. Stewart, has moved for leave to withdraw and has filed a brief as required by Anders v. California, 386 U.S. 738 (1967). Brock was sent a copy of counsel's motion and brief, but has not filed a response. Our independent review of the brief and the record discloses no

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

nonfrivolous issue for appeal. Accordingly, counsel's motion for leave to withdraw is GRANTED, and the APPEAL IS DISMISSED.

We previously ordered Stewart to file a copy of the Memorandum of Understanding referenced in her motion and brief as providing for a waiver of Brock's right to appeal. She has not done so but has filed a letter indicating that she does not have a signed copy of such document. Although Stewart stated that she reviewed this memorandum and represented to the court that Brock waived his right to appeal his guilty plea and sentence, the record is devoid of any evidence that Brock waived his right to appeal. Stewart is, therefore, ORDERED TO SHOW CAUSE why she should not be sanctioned for making material misrepresentations to this court. Stewart shall have until June 15, 2000, to file with the Clerk of this Court under oath her response to this show cause order.

MOTION GRANTED; APPEAL DISMISSED; ORDER TO SHOW CAUSE ISSUED.