

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 01-40705  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

SANTOS GALVAN-YBARRA,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. B-01-CR-130-1  
- - - - -

April 11, 2002

Before SMITH, DeMOSS, and PARKER, Circuit Judges.

PER CURIAM:\*

The Federal Public Defender representing Santos Galvan-Ybarra (Galvan) has requested leave to withdraw as counsel and has filed a brief as required by *Anders v. California*, 386 U.S. 738 (1967). Galvan has filed a response asserting that his sentence was too harsh and requesting to proceed pro se. The motion to proceed pro se is DENIED. See *United States v. Wagner*, 158 F.3d 901, 902-03 (5th Cir. 1998). Our independent review of the brief, Galvan's response, and the record discloses no nonfrivolous issue. Accordingly, counsel's motion for leave to

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

withdraw is GRANTED, counsel is excused from further responsibilities, and the appeal is DISMISSED. See 5TH CIR. R. 42.2.