

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 02-41082
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

KEVIN NEAL DUCKETT,

Defendant-Appellant.

Appeals from the United States District Court
for the Southern District of Texas
USDC No. V-01-CR-26-1

February 12, 2003

Before HIGGINBOTHAM, SMITH, and CLEMENT, Circuit Judges.

PER CURIAM:*

Court appointed counsel representing Kevin Neal Duckett has moved for leave to withdraw and has filed a brief in accordance with Anders v. California, 386 U.S. 738 (1967). Duckett has filed a response, in which he argues inter alia that his trial counsel and appellate counsel were ineffective. The record has not been adequately developed for us to consider Duckett's arguments concerning trial counsel on direct appeal. See United States v. Haese, 162 F.3d 359, 363 (5th Cir. 1998). Any claim

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

with respect to Duckett's appellate counsel has not yet accrued. See United States v. Scott, 124 F.3d 1328, 1330 (5th Cir. 1997).

Our independent review of the record, counsel's brief, and Duckett's response shows that there are no nonfrivolous issues for appeal. Accordingly, counsel's motion for leave to withdraw is GRANTED, counsel is excused from further responsibilities herein, and this appeal is DISMISSED. See 5TH CIR. R. 42.2.