

FILED

February 14, 2007

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 05-40996
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

MELVIN HERSTON SCOTT, III,

Defendant-Appellant.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 1:04-CR-175-2

Before BARKSDALE, GARZA, and CLEMENT, Circuit Judges.

PER CURIAM:*

Counsel appointed to represent Melvin Herston Scott, III, has requested leave to withdraw from this appeal and has filed a brief as required by Anders v. California, 386 U.S. 738 (1967). Scott has not filed a response. Our independent review of the record and counsel's brief discloses no nonfrivolous issue for appeal. Counsel's motion for leave to withdraw is GRANTED, counsel is excused from further responsibilities, and the APPEAL IS DISMISSED. See 5TH CIR. R. 42.2. The Government's motion to dismiss the appeal is DENIED as moot.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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