

October 13, 2004

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 04-50096
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

RICHARD BURTON PIDCOKE, JR.,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. W-90-CR-110-1

Before JONES, BARKSDALE and PRADO, Circuit Judges.

PER CURIAM:*

Counsel appointed to represent Richard Burton Pidcoke, Jr., has requested leave to withdraw from this appeal and has filed a brief as required by Anders v. California, 386 U.S. 738 (1967). Pidcoke has filed a response in which he raises claims pursuant to Blakely v. Washington, 124 S. Ct. 2531 (2004).

Our independent review of counsel's brief, Pidcoke's response, and the record discloses no nonfrivolous issues for appeal. Counsel's motion for leave to withdraw is GRANTED,

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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

APPEAL DISMISSED; MOTION TO WITHDRAW GRANTED.