

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 00-20281
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ABELARDO GARCIA-CARPIO,

Defendant-Appellant.

Appeal from the United States District Court for the
Southern District of Texas
USDC No. H-99-CR-591-1

January 3, 2001

Before JOLLY, SMITH, and DeMOSS, Circuit Judges.

PER CURIAM:*

Appointed counsel for Abelardo Garcia-Carpio has filed a motion to withdraw and a brief as required by Anders v. California, 386 U.S. 738, 744 (1967). Garcia has responded, asserting that his rights under the Vienna Convention on Consular Relations were violated and that the PSR incorrectly calculated his criminal history score; he further asserts that counsel was ineffective. His ineffective assistance claim will not be considered in this

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

direct appeal. See United States v. Gibson, 55 F.3d 173, 179 (5th Cir. 1995); United States v. Higdon, 832 F.2d 312, 314 (5th Cir. 1987).

Our independent review of counsel's brief, Garcia's response, and the record discloses no nonfrivolous issue. Accordingly, the motion for leave to withdraw is GRANTED, counsel is excused from further responsibilities herein, and the APPEAL IS DISMISSED. See 5TH CIR. R. 42.2.

MOTION GRANTED; APPEAL DISMISSED.