

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 00-41487  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JOSE ANTONIO RAMIREZ,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. M-00-CR-409-1  
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December 12, 2001

Before HIGGINBOTHAM, BARKSDALE, and STEWART, Circuit Judges.

PER CURIAM:\*

The Federal Public Defender appointed to represent Jose Antonio Ramirez moves for leave to withdraw as appointed counsel pursuant to Anders v. California, 386 U.S. 738 (1967). Ramirez has filed a response.

In his response, Ramirez raises the following issues:

1) the indictment is insufficient because it failed to charge every element of the 8 U.S.C. § 1326 offense; 2) the indictment is insufficient because it fails to allege Ramirez's prior felony conviction; 3) Ramirez was not provided access to his country's

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

consul pursuant to the Vienna Convention; 4) Ramirez did not receive an adjustment to his sentence for his acceptance of responsibility; and 5) the court erred by not departing downward from the guideline range.

Our independent review of the appellate record and of the possible issues raised by counsel and by Ramirez reveals no nonfrivolous issue.

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.