

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 00-51275  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JOSEPH TEAGUE,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. SA-00-CR-289-2  
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October 24, 2001

Before JOLLY, JONES and DENNIS, Circuit Judges.

PER CURIAM:\*

Counsel representing Joseph Teague has moved for leave to withdraw and has filed a brief as required by Anders v. California, 386 U.S. 738 (1967). Teague has responded to counsel's motion contending that there was a variance between the allegations and the proof of the quantity of cocaine, rendering his guilty plea involuntary and unconstitutional under Apprendi v. New Jersey, 530 U.S. 466 (2000). Teague also argues that his counsel misrepresented to him whether he might be sentenced as a

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

career offender and that the Government failed to timely notice its intent to enhance his sentence for being a career offender.

Our independent review of the brief, Teague's response, and the record discloses no nonfrivolous issue. Accordingly, counsel's 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.