

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 01-40629  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

DANIEL PENA,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. M-01-CR-56-1

- - - - -  
December 12, 2001

Before HIGGINBOTHAM, BARKSDALE, and STEWART, Circuit Judges.

PER CURIAM:\*

The Federal Public Defender representing Daniel Pena has requested leave to withdraw as counsel and has filed a brief as required by *Anders v. California*, 386 U.S. 738 (1967). Pena has not filed a response. Our independent review of the brief and the record discloses no nonfrivolous issue. Accordingly, 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.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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