

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-50610
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

FRANCISCO RODRIGUEZ-ESPEJO, also known
as Francisco Rodriguez,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. A-00-CR-262-ALL-JN
- - - - -

June 19, 2002

Before HIGGINBOTHAM, DAVIS, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:*

Counsel appointed to represent Francisco Rodriguez-Espejo (Rodriguez) has requested leave to withdraw as counsel and has filed a brief as required by Anders v. California, 386 U.S. 738 (1967). Rodriguez has filed a response asserting that his criminal history was miscalculated and requesting to proceed pro se. The motion to strike the Anders brief and to proceed pro se is DENIED. United States v. Wagner, 158 F.3d 901, 902-03 (5th Cir. 1998).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Our independent review of the brief, Rodriguez's response, and the record discloses no nonfrivolous issue for appeal.

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.