

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-60180
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

BILLY GENE DYER,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of Mississippi
USDC No. 2:00-CR-78-ALL-S

November 8, 2001

Before JONES, SMITH, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:*

Court-appointed counsel for Billy Gene Dyer has moved for leave to withdraw, filing a motion and brief pursuant to Anders v. California, 386 U.S. 738 (1967). Dyer has filed a pro se response. The record has not been adequately developed for this court to consider Dyer's ineffective assistance of counsel claims in this direct appeal. See United States v. Higdon, 832 F.2d 312, 314 (5th Cir. 1987).

Our independent review of the record, counsel's Anders motion and brief, and Dyer's pro se response discloses no

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

nonfrivolous issue for appeal. 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.