

February 18, 2004

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 03-41273
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JONAH RICHARD KELLY,

Defendant-Appellant.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 1:02-CR-86-1

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

PER CURIAM:*

The Federal Public Defender (FPD), appointed to represent appellant Jonah Richard Kelly, has moved for leave to withdraw and has filed a brief as required by *Anders v. California*, 386 U.S. 738 (1967). Kelly has not filed a response.

Our independent review of the brief and the record discloses no nonfrivolous issue in this appeal. Accordingly, the motion for leave to withdraw is GRANTED, the FPD is excused from further

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

responsibilities herein, and the APPEAL IS DISMISSED. See
5TH CIR. R. 42.2.