

FILED

December 14, 2005

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 03-41530
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

MARCUS DEWAYNE MCKINNEY,

Defendant-Appellant.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 1:03-CR-83-1

Before KING, Chief Judge, and HIGGINBOTHAM and SMITH, Circuit Judges.

PER CURIAM:*

The attorney appointed to represent Marcus Dewayne McKinney has filed a motion to withdraw and briefs pursuant to Anders v. California, 386 U.S. 738, 744 (1967). McKinney has not filed a response. Our independent review of the briefs and the record discloses no nonfrivolous issue in this direct appeal.

Accordingly, the 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.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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