

April 21, 2004

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 03-50740
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JOSE GARCIA,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. A-03-CR-52-1-H

Before JOLLY, JONES, and SMITH, Circuit Judges.

PER CURIAM:*

The attorney appointed to represent Jose Garcia on direct appeal has moved for leave to withdraw and has filed a brief as required by Anders v. California, 386 U.S. 738 (1967). Garcia has filed a pro se brief in response to counsel's motion. Our independent review of the briefs and the record discloses no nonfrivolous issues 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.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

R. 42.2.

We decline to address the ineffective assistance of counsel claims raised by Garcia in this proceeding because the record is not sufficiently developed to permit direct review. See United States v. Brewster, 137 F.3d 853, 859 (5th Cir. 1998).

ANDERS MOTION GRANTED; APPEAL DISMISSED.