

**August 6, 2004**

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 03-61084  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

TOMMY MOFFITE,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Mississippi  
USDC No. 4:03-CR-5-1-LS  
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Before DAVIS, SMITH, and DENNIS, Circuit Judges.

PER CURIAM:\*

The appointed appellate attorney for defendant-appellant Tommy Moffite has moved for leave to withdraw and has filed a brief in accordance with Anders v. California, 386 U.S. 738 (1967). Moffite has not responded to counsel's motion. Our independent review of counsel's brief and the record discloses no nonfrivolous issue for appeal.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Accordingly, counsel's motion for leave to withdraw is GRANTED and counsel is excused from further responsibilities herein, and this appeal is DISMISSED. See 5TH CIR. R. 42.2.