

June 22, 2005

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 04-30973
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

TERRANCE HOWARD,

Defendant-Appellant.

Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. 2:03-CR-280-2-B

Before WIENER, BENAVIDES, and DENNIS, Circuit Judges.

PER CURIAM:*

The Federal Public Defender appointed to represent Terrance Howard on appeal has filed a motion for leave to withdraw and a brief pursuant to Anders v. California, 386 U.S. 738 (1967). Howard has filed a response.

Because neither Howard nor his attorney filed any pleading evincing an intent to appeal within the period prescribed in FED. R. APP. P. 4(b)(4), the district court was without authority to extend the time for filing an appeal. See United States v. Awalt, 728 F.2d 704, 705 (5th Cir. 1984). Therefore, we lack

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

jurisdiction to consider Howard's appeal. See id. Accordingly, the motion for leave to withdraw is GRANTED, counsel is excused from further responsibilities herein, and the APPEAL IS DISMISSED for lack of jurisdiction.