

FILED

September 6, 2007

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

Charles R. Fulbruge III
Clerk

No. 06-40623
Conference Calendar

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

TOMAS GUTIERREZ-BAEZ

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 5:05-CR-1087-ALL

Before DeMOSS, DENNIS, and OWEN, Circuit Judges.

PER CURIAM:*

The Federal Public Defender appointed to represent Tomas Gutierrez-Baez (Gutierrez) has moved for leave to withdraw and has filed a brief in accordance with *Anders v. California*, 386 U.S. 738 (1967). Gutierrez has been deported and has not filed a response to counsel's motion. Our independent review of the record and counsel's brief discloses no nonfrivolous issue for appeal. Accordingly, counsel's motion for leave to withdraw is GRANTED, counsel is

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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excused from further responsibilities herein, and the APPEAL IS DISMISSED
in part as frivolous, see 5TH CIR. R. 42.2, and in part as moot.