

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 97-40745  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JOSEPH JAMES FALCETTA,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Eastern District of Texas  
USDC No. 6:96-CR-59-1  
- - - - -  
December 23, 1998

Before JOLLY, SMITH, and WIENER, Circuit Judges.

PER CURIAM:\*

Court-appointed counsel for Joseph Falcetta has filed a brief as required by Anders v. California, 386 U.S. 738 (1967). Falcetta has filed a brief and a pleading entitled "Motion to Dismiss," which are construed as his responses to the Anders motion. The Clerk is DIRECTED to file these pleadings into the record. Our independent review of counsel's brief, the record, and Falcetta's responses discloses no nonfrivolous issue. Falcetta's motion for a bench warrant is DENIED. Accordingly, counsel is excused from further responsibilities herein and

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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Falcetta's appeal is DISMISSED.