

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-10876
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

TONY PEÑA MENDOZA,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 6:97-CR-81-2

February 16, 2000

Before EMILIO M. GARZA, BENAVIDES, and DENNIS, Circuit Judges.

PER CURIAM:*

Court-appointed counsel for Tony Peña Mendoza moves to withdraw as appellate counsel and has filed a brief as required by Anders v. California, 386 U.S. 738 (1967). Although Mendoza was informed by the Clerk's Office that he was entitled to file a response to counsel's Anders brief, he has not filed a response.

Our independent review of the brief and the record discloses no nonfrivolous issues in this direct appeal. Accordingly, the motion for leave to withdraw is GRANTED, counsel is excused from further responsibilities herein, and the APPEAL IS DISMISSED.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

No. 98-10876

-2-

5th Cir. R. 42.2.