

May 2, 2006

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 05-10911
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

MARTIN A. CALDERON,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 2:03-CR-88-ALL

Before REAVLEY, DAVIS and PRADO, Circuit Judges.

PER CURIAM:*

The Federal Public Defender, appointed to represent Martin A. Calderon (Calderon) on appeal, has requested leave to withdraw and has filed a brief as required by Anders v. California, 386 U.S. 738 (1967). Calderon, who was convicted by a jury of conspiracy to commit kidnaping and kidnaping and aiding and abetting, received a copy of counsel's motion and has filed a response. Calderon has also filed a motion for leave to amend

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

his response and has requested that the court appoint new counsel.

Our independent review of counsel's brief, Calderon's response, and the record discloses no issue of arguable merit for appeal. Accordingly, Calderon's motion for leave to amend his response to counsel's Anders' brief is GRANTED; Calderon's motion for appointment of new counsel is DENIED. Counsel's motion for leave to withdraw is GRANTED, counsel is excused from further responsibilities herein, and the APPEAL IS DISMISSED. See 5TH CIR. R. 42.2.