

December 14, 2005

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 05-40115
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

EDWARD LEE SIMIEN, JR.,

Defendant-Appellant.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 1:04-CR-72-ALL

Before KING, Chief Judge, and HIGGINBOTHAM and SMITH, Circuit Judges.

PER CURIAM:*

Court-appointed counsel for Edward Lee Simien, Jr., has filed a motion to withdraw and a brief in accordance with Anders v. California, 386 U.S. 738 (1967). Simien has filed a response and requested the appointment of counsel. Our independent review of the brief, Simien's response, and the record discloses no nonfrivolous issues for appeal.

Accordingly, counsel's motion for leave to withdraw is GRANTED, counsel is excused from further responsibilities herein, Simien's motion for appointment of counsel is DENIED, and the APPEAL IS DISMISSED. See 5TH CIR. R. 42.2.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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