

April 12, 2006

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 05-40418
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

CAYETANO GONZALEZ-VALVERDE,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 5:04-CR-2121-ALL

Before JONES, Chief Judge, and JOLLY and DAVIS, Circuit Judges.

PER CURIAM:*

The attorney appointed to represent Cayetano Gonzalez-Valverde has requested leave to withdraw and has filed a brief as required by Anders v. California, 386 U.S. 738 (1967). Gonzalez-Valverde filed a motion to remand, which we treat as an untimely response to the Anders brief. Our independent review of the brief, the record, and Gonzalez-Valverde's untimely response discloses no nonfrivolous issues for appeal. Counsel's motion for leave to withdraw is granted, counsel is excused from further responsibilities, and the appeal is dismissed. See 5TH CIR.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

R. 42.2. Gonzalez-Valverde's separate motion seeking appointment of counsel on appeal is denied as Gonzalez-Valverde has not demonstrated incompatibility with his counsel or other most pressing circumstances. See Fifth Circuit Plan under the Criminal Justice Act, § 5; see also United States v. Route, 104 F.3d 59, 65 (5th Cir. 1997).

MOTION TO WITHDRAW GRANTED; APPEAL DISMISSED; MOTION FOR APPOINTMENT OF COUNSEL DENIED.