

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-31197
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JAMES GIRALDO-PEDOMO, also know as
James Giraldo, also known as
Heriberto Roman-Crespo,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. 97-CR-373-ALL-F
- - - - -

August 31, 1999

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

PER CURIAM:*

The Federal Public Defender appointed to represent James Giraldo-Pedomo has moved for leave to withdraw and has filed a brief as required by Anders v. California, 386 U.S. 738 (1967). Giraldo-Pedomo has filed a response in which he asserts that: 1) the district court erred increasing his offense level based upon an obstruction-of-justice finding; 2) the district court erred by denying his request to depart downwardly from the recommended sentencing guidelines range; and 3) a factual

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

discrepancy between the indictment and the factual basis to his guilty plea resulted in a harsher sentence. Our independent review of counsel's Anders brief, the record, and Giraldo-Pedomo's response discloses no nonfrivolous issue. Accordingly, counsel's motion for leave to withdraw is GRANTED, counsel is excused from further responsibilities herein, and the APPEAL IS DISMISSED.