

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 98-50555  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ARMANDO DURON,

Defendant-Appellant.

- - - - -  
Appeal from the United States District Court  
for the Western District of Texas  
USDC No. EP-97-CR-595-2-DB  
- - - - -

April 13, 1999

Before POLITZ, BARKSDALE, and STEWART, Circuit Judges.

PER CURIAM:\*

Court-appointed counsel for Armando Duron has moved for leave to withdraw and has filed a brief as required by Anders v. California, 386 U.S. 738 (1967). Duron has filed a response. Our independent review of the brief, the record, and the response discloses no nonfrivolous issue which can be adjudicated on direct appeal. Accordingly, the motion for leave to withdraw is GRANTED, counsel is excused from further responsibilities herein,

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\* Pursuant to 5th Cir. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5th Cir. R. 47.5.4.

and the APPEAL IS DISMISSED. 5TH CIR. R. 42.2.

We do not address the issues of ineffective assistance of counsel and prosecutorial misconduct because they are raised for the first time on appeal. This decision is without prejudice to Duron's raising these issues in a proceeding pursuant to 28 U.S.C. § 2255. See United States v. Palmer, 122 F.3d 215, 221-22 (5th Cir. 1997).