

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-11024
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

PAUL EDGAR BOCKNITE,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 6:99-CR-11-6

August 22, 2000

Before KING, Chief Judge, and POLITZ and WIENER, Circuit Judges.

PER CURIAM:*

Court appointed counsel for Paul Edgar Bocknite has requested leave to withdraw and filed a brief in accordance with Anders v. California, 386 U.S. 738 (1967). Bocknite filed a response to counsel's brief. Bocknite first argues that counsel was ineffective. As a general rule, this court declines to review claims of ineffective assistance of counsel on direct appeal, although we may do so in exceptional cases. See United States v. Higdon, 832 F.2d 312, 314 (5th Cir. 1987); United States v. Gibson, 55 F.3d 173, 179 (5th Cir. 1995). This is not

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

the exceptional case. Accordingly, we decline to review the issue of ineffective assistance in this direct appeal. Bocknite also argues that he should have received a greater downward reduction, and he requests new appointed counsel to help him press this issue. We determined that this issue was frivolous in our order addressing counsel's first Anders brief. Bocknite's request for new appointed counsel is thus DENIED.

Our independent review of the record and brief shows that there are no nonfrivolous issues for appeal. Consequently, 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.