

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-50119
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

DOMINGO MARTINEZ-DELEON,

Defendant-

Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. DR-91-CR-6-1-FB

October 11, 2000

Before JOLLY, STEWART, and PARKER, Circuit Judges:

PER CURIAM:*

Counsel appointed to represent Domingo Martinez-Deleon has moved for leave to withdraw and has filed a brief as required by Anders v. California, 386 U.S. 738 (1967). Deleon has received a copy of counsel's motion and brief, and he has not filed a response, choosing instead to rely on a previously filed brief in which he challenges his underlying conviction. The brief does not address counsel's motion to withdraw, and the only thing presently before this court is the propriety of the district court's resentencing of Martinez after the reversal of his conviction for using and carrying a firearm, pursuant to Bailey v. United States, 516 U.S. 137 (1995). Our independent review of the brief and the record discloses no nonfrivolous issue. Accordingly, counsel's motion for leave to withdraw is GRANTED, counsel is excused from further responsibilities herein, and the APPEAL

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

IS DISMISSED.