

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 06-10941
Non-Argument Calendar

FILED
U.S. COURT OF APPEALS
ELEVENTH CIRCUIT
December 7, 2006
THOMAS K. KAHN
CLERK

D. C. Docket No. 05-00022-CR-001-WLS-1

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

AVERY HARDY,

Defendant-Appellant.

Appeal from the United States District Court
for the Middle District of Georgia

(December 7, 2006)

Before TJOFLAT, BLACK and MARCUS, Circuit Judges.

PER CURIAM:

Gerald B. Williams, appointed counsel for Avery Hardy in this direct

criminal appeal, has moved to withdraw from further representation of the appellant and filed a brief pursuant to Anders v. California, 386 U.S. 738, 87 S.Ct. 1396, 18 L.Ed.2d 493 (1967). Appellant Hardy has also filed a motion to file a supplemental opening brief, a motion of non-opposition to counsel's motion to withdraw, and a brief. Our independent review of the entire record reveals that counsel's assessment of the relative merit of the appeal is correct. Because independent examination of the entire record reveals no arguable issues of merit, counsel's motion to withdraw is **GRANTED**, and Hardy's conviction and sentence are **AFFIRMED**.

Hardy filed a motion of non-opposition accompanied by a proposed supplemental brief for our review, which we construe as a response to the Anders motion. After our consideration of this response, his motion to file a supplemental opening brief is **DENIED AS MOOT**.