

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 08-15178
Non-Argument Calendar

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT May 18, 2009 THOMAS K. KAHN CLERK

D. C. Docket No. 08-00008-CR-ORL-31DAB

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JAMES R. GAINES,

Defendant-Appellant.

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

(May 18, 2009)

Before BLACK, MARCUS and ANDERSON, Circuit Judges.

PER CURIAM:

Peter Warren Kenny, appointed counsel for James R. Gaines 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). 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 record reveals no arguable issues of merit, counsel's motion to withdraw is **GRANTED**, and Gaines's conviction and sentence are **AFFIRMED**.