

December 7, 2006

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 05-10320
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

CHAKA ZULU HERNDON,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:03-CR-440-ALL

Before DAVIS, BARKSDALE and BENAVIDES, Circuit Judges.

PER CURIAM:*

The attorney appointed to represent Chaka Zulu Herndon has requested leave to withdraw and has filed a brief as required by Anders v. California, 386 U.S. 738 (1967). Herndon received a copy of counsel's motion but filed no response. Our independent review of the brief and the record discloses no nonfrivolous issues for appeal. Accordingly, counsel's motion for leave to withdraw is GRANTED, counsel is excused from further

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

responsibilities herein, and the appeal is DISMISSED.

See 5TH CIR. R. 42.2. This ruling is without prejudice to Herndon's right to raise claims of ineffective assistance in a 28 U.S.C. § 2255 motion.