

FILED

October 6, 2006

Charles R. Fulbruge III
Clerk

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 06-30012
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

FLOYD NELLUMS, JR., also known as David Winters,
also known as Joseph Lewis, also known as
Lattian Mouton, also known as Kevin McGahey,

Defendant-

Appellant.

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 2:05-CR-20036-ALL

Before DeMOSS, STEWART and PRADO, Circuit Judges.

PER CURIAM:*

The Assistant Federal Public Defender appointed to represent Floyd Nellums, Jr., has filed a motion to withdraw and brief pursuant to *Anders v. California*, 386 U.S. 738, 744 (1967). Nellums filed a response arguing that his guilty plea was not knowing and voluntary as to the amount of loss

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

used to enhance his sentence and that the district court clearly erred in enhancing his sentenced based on that loss amount.

Our independent review of the record, counsel's brief, and Nellums's response discloses no nonfrivolous issue in this direct appeal. Accordingly, the 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.