

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 06-12558
Non-Argument Calendar

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT DEC 27, 2006 THOMAS K. KAHN CLERK

D.C. Docket No. 05-00071-CR-FTM-33-DNF

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

CLAYTON UPSHAW,

Defendant-Appellant.

Appeal from the United States District Court for the
Southern District of Alabama

(December 27, 2006)

Before TJOFLAT, HULL and HILL, Circuit Judges

PER CURIAM:

Mark G. Rodriguez, appointed counsel for Clayton Upshaw 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 entire record reveals no arguable issues of merit, counsel's motion to withdraw is **GRANTED**, and Upshaw's conviction and sentence are **AFFIRMED**.