

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 10-13368
Non-Argument Calendar

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT FEB 11, 2011 JOHN LEY CLERK

D. C. Docket No. 1:09-cr-00079-JEC-GGB-1

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

PHILLIP SMITH,

Defendant-Appellant.

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

(February 11, 2011)

Before BLACK, WILSON and FAY, Circuit Judges.

PER CURIAM:

Michael Trost, appointed counsel for Phillip Smith, in this direct criminal appeal, has filed a motion to withdraw from further representation of the appellant,

because counsel believes that the appeal is without merit. Counsel has 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 record reveals that counsel's assessment of the relative merit of the appeal is correct. Because independent examination of the entire record reveals no arguably meritorious issues of merit, counsel's motion to withdraw is **GRANTED**, and Smith's conviction and sentence are **AFFIRMED**.