

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 08-16207
Non-Argument Calendar

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT Dec. 09, 2009 THOMAS K. KAHN CLERK
--

D. C. Docket No. 92-00104-CR-ORL-19KRS

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

KIRK WHITTAKER,

Defendant-Appellant.

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

(December 9, 2009)

Before DUBINA, Chief Judge, PRYOR and FAY, Circuit Judges.

PER CURIAM:

Thomas H. Dale, appointed counsel for Kirk Whittaker in this appeal from

the district court's denial of Whittaker's motion to vacate his sentence for lack of jurisdiction, 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 the district court's denial of Whittaker's motion is **AFFIRMED**.