

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT U.S. COURT OF APPEALS

ELEVENTH CIRCUIT

AUGUST 16, 2010

JOHN LEY

CLERK

No. 09-14389

Non-Argument Calendar

D. C. Docket No. 09-80023-CR-KAM

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

MARK JOSEPH HARVEY,

Defendant-Appellant.

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

(August 16, 2010)

Before EDMONDSON, MARTIN and HILL, Circuit Judges.

PER CURIAM:

Richard L. Rosenbaum, appointed counsel for Mark Joseph Harvey 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 Harvey's convictions and sentences are **AFFIRMED**.¹

¹ Our affirmance of Harvey's convictions and sentences shall not inhibit the district court's plenary consideration of any Sixth Amendment claims that may be raised by 28 U.S.C. § 2255 motion to vacate, based on counsel's representation in the district court.