

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

United States Court of Appeals
Fifth Circuit

FILED

May 18, 2010

Lyle W. Cayce
Clerk

No. 09-30962

Summary Calendar

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

CEDRICK SCOTT

Defendant-Appellant

Appeal from the United States District Court
for the Middle District of Louisiana
USDC No. 3:99-CR-5-1

Before GARZA, CLEMENT, and OWEN, Circuit Judges.

PER CURIAM:*

The Federal Public Defender appointed to represent Cedrick Scott has moved for leave to withdraw and has filed a brief in accordance with *Anders v. California*, 386 U.S. 738 (1967). Scott filed a motion for termination of counsel and for an extension of time to file appellate brief. He subsequently filed a pro se brief.

Scott has not shown “that there is a conflict of interest or other most pressing circumstances or that the interests of justice otherwise require relief

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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of counsel.” FIFTH CIRCUIT PLAN UNDER THE CRIMINAL JUSTICE ACT, § 5(B); *see also* 18 U.S.C. 3006A(c). As Scott has not unequivocally requested to proceed pro se, his motion is insufficient to justify relieving appointed counsel and allowing him to proceed pro se. *See Brown v. Wainwright*, 665 F.2d 607, 610 (5th Cir. 1982) (en banc). Accordingly, Scott’s motion for termination of counsel is DENIED. Because Scott has now filed a pro se brief, his motion for extension of time to file appellate brief is DENIED as moot. Nevertheless, out of an abundance of caution, we have construed Scott’s pro se brief as a response to his counsel’s *Anders* motion and considered the issues raised therein.

Our independent review of the record, counsel’s brief, and Scott’s response discloses no nonfrivolous issue for appeal. Accordingly, counsel’s 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.