

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

JUL 10 2002

PATRICK FISHER
Clerk

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

RICHARD THOMPSON,

Defendant - Appellant.

No. 01-1432
(D.C. No. 99-CR-299-S)
(D. Colorado)

ORDER AND JUDGMENT *

Before **TACHA** , Chief Circuit Judge, **ANDERSON** , Circuit Judge, and
BRORBY , Senior Circuit Judge.

After examining the briefs and appellate record, this panel has determined unanimously to grant the parties' request for a decision on the briefs without oral argument. *See* Fed. R. App. P. 34(f); 10th Cir. R. 34.1(G). This case is therefore ordered submitted without oral argument.

* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. The court generally disfavors the citation of orders and judgments; nevertheless, an order and judgment may be cited under the terms and conditions of 10th Cir. R. 36.3.

This is a direct appeal by Mr. Thompson from his conviction of use of a communication facility to distribute and to possess with intent to distribute cocaine in violation of 21 U.S.C. § 843(b), and from the sentence imposed. We dismiss the appeal.

Mr. Thompson's appellate counsel filed an *Anders*¹ brief in which he stated "there is no merit or basis for appeal and . . . there are no viable appellate issues." Br. at 6. Counsel also filed a motion to withdraw, stating he had submitted a copy of the appellate brief and the motion to Mr. Thompson. Thereafter, by letter, Mr. Thompson made a pro se request to withdraw his appeal.

Counsel's motion to withdraw is GRANTED. Mr. Thompson's request to withdraw the appeal is GRANTED, and the appeal is DISMISSED. The mandate shall issue forthwith.

Entered for the Court

Wade Brorby
Senior Circuit Judge

¹ *Anders v. California*, 386 U.S. 738 (1967).