

**FILED**

February 24, 2006

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 04-40665  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

IGNACIO ENGUNZO LOPEZ, JR.,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 5:02-CR-305-1  
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Before GARZA, DENNIS, and PRADO, Circuit Judges.

PER CURIAM:\*

The attorney appointed to represent Ignacio Engunzo Lopez, Jr., has requested leave to withdraw and has filed a brief as required by Anders v. California, 386 U.S. 738 (1967). Lopez has filed a response challenging his sentence and asserting ineffective assistance of counsel.

Our independent review of the brief, Lopez's response, and the record discloses no nonfrivolous issues for appeal. We conclude that the record is insufficiently developed to allow

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

consideration on direct appeal of Lopez's claim of ineffective assistance of counsel. See United States v. Brewster, 137 F.3d 853, 859 (5th Cir. 1998). Accordingly, without prejudice to Lopez's right to file a motion pursuant to 28 U.S.C. § 2255, counsel's motion for leave to withdraw is GRANTED, counsel is excused from further responsibilities, and the appeal is DISMISSED. See 5TH CIR. R. 42.2.