

June 22, 2005

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 04-50243  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

MIGUEL JUAREZ-GONZALEZ, also known as Miguel Gonzalez,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. A-03-CR-275-3-SS  
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Before WIENER, BENAVIDES, and DENNIS, Circuit Judges.

PER CURIAM:\*

Court-appointed counsel for Miguel Juarez-Gonzalez (Juarez) has moved for leave to withdraw and has filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967). Juarez has filed a response to the motion. Our review of the brief filed by counsel, Juarez's response, and the record discloses no nonfrivolous issue for appeal. We conclude that the record is insufficiently developed to allow consideration on direct appeal of Juarez's claim of ineffective assistance of counsel. See

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

United States v. Higdon, 832 F.2d 312, 314 (5th Cir. 1987).

Accordingly, without prejudice to Juarez's right to file a motion pursuant to 28 U.S.C. § 2255, the motion for leave to withdraw is GRANTED, counsel is excused from further responsibilities, and the APPEAL IS DISMISSED. See 5TH CIR. R. 42.2. Juarez's motions for the appointment of counsel and to proceed in forma pauperis are DENIED.