

February 14, 2007

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 06-40474
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

CESAR CALDERON,

Defendant-Appellant.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 1:03-CR-170-ALL

Before BARKSDALE, GARZA, and CLEMENT, Circuit Judges.

PER CURIAM:*

The Federal Public Defender appointed to represent Cesar Calderon has moved for leave to withdraw from representation and has filed a brief in accordance with Anders v. California, 386 U.S. 738 (1967). Calderon has filed a response. Our independent review of the record, counsel's brief, and Calderon's response shows that there are no nonfrivolous issues for appeal. Although Calderon argues in his response that his counsel was ineffective for various reasons, the record is insufficiently developed to

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

allow consideration of these claims on direct appeal. See United States v. Higdon, 832 F.2d 312, 313-14 (5th Cir. 1987).

Accordingly, the 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. The Government's motion to dismiss is DENIED as moot.