

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

September 4, 2009

Charles R. Fulbruge III
Clerk

No. 08-20814
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff–Appellee,

v.

ALEJADRO SANCHEZ-OVEIDA, also known as Fernando Ortiz Hernandez,
also known as Guadalupe Munoz Hernandez, also known as Alejandro Ortiz
Sanchez, also known as Alejandro Sanchez Oveida,

Defendant–Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:08-CR-293-ALL

Before GARZA, CLEMENT, and OWEN, Circuit Judges.

PER CURIAM:*

The Federal Public Defender appointed to represent Alejandro Sanchez-Oveida has moved for leave to withdraw and has filed a brief in accordance with *Anders v. California*, 386 U.S. 738 (1967). Sanchez-Oveida has filed a response and has moved for appointment of new counsel and to proceed pro se on appeal. Our independent review of the record, counsel’s brief, and Sanchez-Oveida’s

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

response discloses no nonfrivolous issue for appeal. Because Sanchez-Oveida did not raise claims of ineffective assistance of counsel below and the district court did not hear evidence regarding an ineffective-assistance-of-counsel claim, the record is insufficient for this court to review Sanchez-Oveida's ineffective-assistance claim on direct appeal. *See United States v. Cantwell*, 470 F.3d 1087, 1091 (5th Cir. 2006).

Counsel's motion for leave to withdraw is GRANTED, and counsel is excused from further responsibilities herein. Sanchez-Oveida's motions for appointment of new counsel and to proceed pro se on appeal are DENIED. The APPEAL IS DISMISSED. *See 5TH CIR. R. 42.2.*