

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

United States Court of Appeals  
Fifth Circuit

**FILED**

September 14, 2012

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No. 11-40817  
Summary Calendar

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Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

EDGAR GOMEZ SEGURA, also known as Edgar Woods Segura,

Defendant-Appellant

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 5:10-CR-2451-1

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Before KING, DAVIS, and CLEMENT, Circuit Judges.

PER CURIAM:\*

A member of this panel previously carried with the case the Federal Public Defender's motion to withdraw as counsel pursuant to *Anders v. California*, 386 U.S. 738 (1967), and further ordered the filing of a supplemental *Anders* brief or a brief on the merits. The panel has considered the Federal Public Defender's motion for reconsideration. IT IS ORDERED that the motion is GRANTED.

IT IS FURTHER ORDERED that the alternative motion to extend time for filing a brief is DENIED AS MOOT.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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The Federal Public Defender appointed to represent Edgar Gomez Segura has moved for leave to withdraw and has filed a brief in accordance with *Anders* and *United States v. Flores*, 632 F.3d 229 (5th Cir. 2011). Gomez Segura has filed a response, which includes a claim of ineffective assistance of counsel. The record is insufficiently developed to allow consideration at this time of Gomez Segura's claim of ineffective assistance of counsel; such a claim generally "cannot be resolved on direct appeal when the claim has not been raised before the district court since no opportunity existed to develop the record on the merits of the allegations." *United States v. Cantwell*, 470 F.3d 1087, 1091 (5th Cir. 2006) (internal quotation marks and citation omitted). We have reviewed counsel's brief and the relevant portions of the record reflected therein, as well as Gomez Segura's response. We concur with counsel's assessment that the appeal presents no nonfrivolous issue for appellate review. Accordingly, counsel's 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.