

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

United States Court of Appeals  
Fifth Circuit

**FILED**

April 17, 2012

Lyle W. Cayce  
Clerk

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No. 11-50607  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

ROQUE SAENZ-QUINTELA, also known as Roque Saenz-Quintanilla,

Defendant-Appellant

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 7:10-CR-353-3

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Before JONES, Chief Judge, and JOLLY and SMITH, Circuit Judges.

PER CURIAM:\*

The attorney appointed to represent Roque Saenz-Quintela has moved for leave to withdraw and has filed a brief in accordance with *Anders v. California*, 386 U.S. 738 (1967), and *United States v. Flores*, 632 F.3d 229 (5th Cir. 2011). Saenz-Quintela has filed a response. The record is insufficiently developed to allow consideration at this time of Saenz-Quintela'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

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

No. 11-50607

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 Saenz-Quintela’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, Saenz Quintela’s motion to appoint new counsel is DENIED, and the APPEAL IS DISMISSED. *See* 5TH CIR. R. 42.2.