

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

April 16, 2008

No. 07-10826
Conference Calendar

Charles R. Fulbruge III
Clerk

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

SAMUEL NORRIS

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 5:07-CR-13-ALL

Before PRADO, OWEN, and SOUTHWICK, Circuit Judges.

PER CURIAM:*

The attorney appointed to represent Samuel Norris has moved for leave to withdraw and has filed a brief in accordance with *Anders v. California*, 386 U.S. 738 (1967). Norris has filed a response. The record is insufficiently developed to allow consideration at this time of Norris's claim of ineffective assistance of counsel; such a claim generally "cannot be resolved on direct appeal when [it has] not been raised before the district court since no opportunity

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

existed to develop the record on the merits of the allegations.” See *United States v. Cantwell*, 470 F.3d 1087, 1091 (5th Cir. 2006) (internal quotation marks and citation omitted). Our independent review of the record, counsel’s brief, and Norris’s response discloses no nonfrivolous issue for appeal. Accordingly, Norris’s pro se motion for the appointment of counsel is DENIED, 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.