

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

February 20, 2008

No. 07-20233
Conference Calendar

Charles R. Fulbruge III
Clerk

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

EZEKIEL FERNANDEZ, also known as Falcon

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:06-CR-157-1

Before KING, WIENER, and ELROD, Circuit Judges.

PER CURIAM:*

The Federal Public Defender appointed to represent Ezekiel Fernandez has moved for leave to withdraw and has filed a brief in accordance with *Anders v. California*, 386 U.S. 738 (1967). Fernandez has filed a response. The record is insufficiently developed to allow consideration at this time of Fernandez's claims of ineffective assistance of counsel. See *United States v. Cantwell*, 470 F.3d 1087, 1091 (5th Cir. 2006). Our independent review of the record, counsel'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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

brief, and Fernandez's response discloses no nonfrivolous issue for appeal. 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.