IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit
FILED
September 14, 2009
Charles R. Fulbruge III
Clerk

No. 08-50695
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

KENYA DIONNE SNEED, also known as Kenya Dionne Coker,

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Texas
USDC No. 1:08-CR-23-ALL

Before KING, STEWART, and HAYNES, Circuit Judges.

PER CURIAM:[*]

The attorney appointed to represent Kenya Dionne Sneed has moved for leave to withdraw and has filed a brief in accordance with *Anders v. California*, 386 U.S. 738 (1967). Sneed has filed a response, arguing, in part, that she received ineffective assistance of counsel and requesting permission to proceed pro se. The record is insufficiently developed to allow consideration at this time of Sneed's claims of ineffective assistance of counsel; such claims generally "cannot be resolved on direct appeal when [they have] not been raised before the

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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).

Our independent review of the record, counsel's brief, and Sneed'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. Sneed's request to proceed pro se on appeal is DENIED. *See United States v. Wagner*, 158 F.3d 901, 902-03 (5th Cir. 1998).