

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

United States Court of Appeals
Fifth Circuit

FILED

June 11, 2010

Lyle W. Cayce
Clerk

No. 09-10507
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

LARRY VILLAREAL,

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 1:08-CR-68-7

Before GARZA, CLEMENT, and OWEN, Circuit Judges.

PER CURIAM:*

The attorney appointed to represent Larry Villareal has moved for leave to withdraw and has filed a brief in accordance with *Anders v. California*, 386 U.S. 738 (1967). Our independent review of the record and counsel's brief discloses no nonfrivolous issue for appeal. Villareal's response to counsel's motion was untimely; thus, we need not consider it. In any event, Villareal raises only claims concerning counsel's alleged ineffective assistance in connection with the plea and sentence, but the record is insufficiently developed for this court to consider that claim. *See United States v. Cantwell*, 470 F.3d 1087, 1091 (5th Cir. 2006). Accordingly, counsel's motion for leave to withdraw is GRANTED, counsel is

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

excused from further responsibilities herein, and the APPEAL IS DISMISSED. *See* 5TH CIR.
R. 42.2.