

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

United States Court of Appeals
Fifth Circuit

FILED

October 13, 2010

Lyle W. Cayce
Clerk

No. 09-30647

Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

RAUL ALFONSO MENDOZA-MENDOZA, also known as Alfonzo Mendoza, also known as Alfonso Mendoza,

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 2:09-CR-24-1

Before KING, BENAVIDES, and ELROD, Circuit Judges.

PER CURIAM:*

The Federal Public Defender appointed to represent Raul Alfonso Mendoza-Mendoza (Mendoza) has moved for leave to withdraw and has filed a brief in accordance with *Anders v. California*, 386 U.S. 738 (1967). Mendoza has filed a response. The record is insufficiently developed to allow consideration at this time of Mendoza's claim of ineffective assistance of counsel; such claim generally "cannot be resolved on direct appeal when [it has] not been raised

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

before the 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 Mendoza’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.