

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

United States Court of Appeals
Fifth Circuit

FILED

August 30, 2010

Lyle W. Cayce
Clerk

No. 09-41260

Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

JAMES BRANDON STROUSE,

Defendant-Appellant

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 4:09-CR-46-1

Before KING, BENAVIDES, and ELROD, Circuit Judges.

PER CURIAM:*

The attorney appointed to represent James Brandon Strouse has moved for leave to withdraw and has filed a brief in accordance with *Anders v. California*, 386 U.S. 738 (1967). Strouse has filed a response. The record is insufficiently developed to allow consideration at this time of Strouse's claims of ineffective assistance of counsel. While Strouse raised concerns about counsel's representation in the district court, the merits of the claims were not resolved. *See United States v. Cantwell*, 470 F.3d 1087, 1091 (5th Cir. 2006).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Our independent review of the record, counsel's brief, and Strouse's response discloses no nonfrivolous issue for appeal. Accordingly, 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.