

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

United States Court of Appeals
Fifth Circuit

FILED

February 6, 2013

Lyle W. Cayce
Clerk

No. 12-10555
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JOSE HERNANDEZ-CANALES,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of Texas
No. 3:11-CR-276-1

Before SMITH, PRADO, and HIGGINSON, Circuit Judges.

PER CURIAM:*

The attorney appointed to represent Jose Hernandez-Canales has moved for leave to withdraw and has filed a brief in accordance with *Anders v. Califor-*

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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nia, 386 U.S. 738 (1967), and *United States v. Flores*, 632 F.3d 229 (5th Cir. 2011). Hernandez-Canales has filed a response. The record is insufficiently developed to allow consideration of Hernandez-Canales's claims of ineffective assistance of counsel; such claims generally "cannot be resolved on direct appeal when [they have] not been raised 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).

We have reviewed counsel's brief, relevant portions of the record reflected therein, and Hernandez-Canales's response. We concur with counsel's assessment that the appeal presents no nonfrivolous issue for appellate review. Accordingly, the motion for leave to withdraw is GRANTED, counsel is excused from further responsibilities, Hernandez-Canales's motion for appointment of substitute counsel is DENIED, and the appeal is DISMISSED. *See* 5TH CIR. R. 42.2.