

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

United States Court of Appeals
Fifth Circuit

FILED

October 25, 2013

Lyle W. Cayce
Clerk

No. 12-10681
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

JORGE DE LA PAZ-VILLEGAS,

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:11-CR-174-1

Before JOLLY, JONES, and HIGGINSON, Circuit Judges.

PER CURIAM:*

The attorney appointed to represent Jorge De La Paz-Villegas has moved for leave to withdraw and has filed a brief in accordance with *Anders v. California*, 386 U.S. 738 (1967), and *United States v. Flores*, 632 F.3d 229 (5th Cir. 2011). De La Paz-Villegas has filed a response. De La Paz-Villegas's claim that counsel was ineffective for failing to file a timely notice of appeal has already been resolved as De La Paz-Villegas was allowed to file an out of time appeal. The record is insufficiently developed to allow consideration at this time

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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of De La Paz-Villegas's remaining claims of ineffective assistance of counsel; such claims generally "cannot be resolved on direct appeal when the claim[s] ha[ve] 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 and the relevant portions of the record reflected therein, as well as De La Paz-Villegas'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 herein, and the APPEAL IS DISMISSED. *See* 5TH CIR. R. 42.2.