

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

United States Court of Appeals
Fifth Circuit

FILED

December 19, 2012

Lyle W. Cayce
Clerk

No. 12-40605
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

BALTAZAR SANTACRUZ-NARANJO,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 2:11-CR-1182-1

Before KING, CLEMENT, and HIGGINSON, Circuit Judges.

PER CURIAM:*

The Federal Public Defender (FPD) appointed to represent Baltazar Santacruz-Naranjo 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). Santacruz-Naranjo has filed a response and has moved to relieve appointed counsel and to appoint new counsel.

To the extent that Santacruz-Naranjo raises claims of ineffective assistance of counsel, the record is insufficiently developed to allow consideration

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

No. 12-40605

at this time of his claims; 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 Santacruz-Naranjo’s response. We concur with counsel’s assessment that the appeal presents no nonfrivolous issue for appellate review. Santacruz-Naranjo’s motions to relieve counsel and appoint new counsel are DENIED. The FPD’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.