

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

United States Court of Appeals
Fifth Circuit

FILED

July 12, 2013

Lyle W. Cayce
Clerk

No. 12-41386
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff–Appellee,

versus

GONZOLO GONZALES,
Also Known as Gonzolo Gonzalez, Also Known as Pau Pau,

Defendant–Appellant.

Appeal from the United States District Court
for the Eastern District of Texas
No. 4:11-CR-259-6

Before SMITH, PRADO, and HIGGINSON, Circuit Judges.

PER CURIAM:*

The attorney appointed to represent Gonzolo Gonzales has moved for leave

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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. 12-41386

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). Gonzales has filed a response. The record is insufficiently developed to allow consideration of Gonzales's claim of ineffective assistance of counsel; such a claim generally "cannot be resolved on direct appeal when the claim has 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 Gonzales'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.