

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

December 30, 2013

Lyle W. Cayce
Clerk

No. 13-40296
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

MARCUS RASHAWN WILLIAMS, also known as Nuk, also known as Sealed1, also known as Nook,

Defendant-Appellant

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 1:12-CR-31-1

Before WIENER, OWEN, and HAYNES, Circuit Judges.

PER CURIAM:*

The attorney appointed to represent Marcus Rashawn Williams 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). The motions by Williams to construe his pro se brief as a response

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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to counsel's *Anders* motion and for leave to file the response out of time are GRANTED.

We have reviewed counsel's brief and the relevant portions of the record reflected therein, as well as Williams's response. We concur with counsel's assessment that the appeal presents no nonfrivolous issue for appellate review. The record is insufficiently developed to allow consideration at this time of Williams'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 also concur with counsel that there is a clerical error in the final order of forfeiture that should be corrected to reflect that Williams has forfeited his interest in eighteen million, five hundred thousand dollars (\$18,500,000.00). *See* FED. R. CRIM. P. 36.

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. Williams's motion to appoint counsel is DENIED. The matter is REMANDED for correction of the clerical error pursuant to Federal Rule of Criminal Procedure 36.