

December 20, 2006

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 05-20709
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

MANUEL AMANDO FLORES, JR.,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:04-CR-356-3

Before DAVIS, BARKSDALE and BENAVIDES, Circuit Judges.

PER CURIAM:*

The attorney appointed to represent Manuel Amando Flores, Jr., has moved for leave to withdraw and has filed a brief in accordance with Anders v. California, 386 U.S. 738 (1967). Flores has filed a response in which he argues, inter alia, that counsel was ineffective for not arguing at sentencing and on appeal that Flores should receive a sentencing adjustment for his role in the offense and should not receive a sentencing adjustment for possession of a firearm. Flores also moves for the appointment of new counsel or, alternatively, to remand his

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

case to allow the district court to reconsider its guidelines rulings. The record is sufficiently developed to allow consideration of Flores's claims of ineffectiveness. See United States v. Higdon, 832 F.2d 312, 314 (5th Cir. 1987).

Our independent review of the record, counsel's brief, and Flores's response shows that there are no nonfrivolous issues for appeal. Accordingly, the motion for leave to withdraw is GRANTED, counsel is excused from further responsibilities herein, and this appeal is DISMISSED. See 5TH CIR. R. 42.2. All other outstanding motions are DENIED.