

May 10, 2006

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 03-51426  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

DACOBY DONSHA MCDOWELL,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. MO-03-CR-98-3  
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Before BARKSDALE, STEWART, and CLEMENT, Circuit Judges.

PER CURIAM:\*

The attorney appointed to represent Dacoby Donsha McDowell has moved for leave to withdraw and has filed a brief in accordance with Anders v. California, 386 U.S. 738 (1967). Our independent review of the record, counsel's brief, and McDowell's response shows that there are no nonfrivolous issues for appeal. The record is insufficiently developed to allow consideration on direct appeal of McDowell's apparent claims of ineffective assistance of counsel. See United States v. Higdon, 832 F.2d 312, 313-14 (5th Cir. 1987). Accordingly, without prejudice to

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

McDowell's right to file a motion pursuant to 28 U.S.C. § 2255, 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. McDowell's request for new appointed counsel is DENIED.