

**FILED**

December 1, 2006

Charles R. Fulbruge III  
Clerk

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

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No. 05-40811  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-

Appellee,

versus

RICHARD R. MINDIOLA; WILLIAM BEDFORD,

Defendants-

Appellants.

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Appeals from the United States District Court  
for the Eastern District of Texas  
USDC No. 9:04-CR-24-4

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Before DeMOSS, STEWART and PRADO, Circuit Judges.

PER CURIAM:\*

The Federal Public Defender appointed to represent Richard R. Mindiola has moved for leave to withdraw from representation and has filed a brief in accordance with *Anders v. California*, 386 U.S. 738 (1967). Mindiola has not responded to counsel's motion and brief. Our independent review of the record and counsel's brief shows that there are no nonfrivolous issues for appeal.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Although counsel notes a possible ineffective assistance of counsel claim, as counsel concedes, the record is insufficiently developed to allow consideration of this claim on direct appeal. *See United States v. Higdon*, 832 F.2d 312, 313-14 (5th Cir. 1987). 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.