

April 18, 2007

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 06-40532
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

EDWARD JEROME BUTLER,

Defendant-Appellant.

Appeals from the United States District Court
for the Eastern District of Texas
USDC No. 1:04-CR-175-1

Before HIGGINBOTHAM, BENAVIDES, and PRADO, Circuit Judges.

PER CURIAM:*

Appointed counsel for Edward Jerome Butler has moved for leave to withdraw and has filed a brief in accordance with Anders v. California, 386 U.S. 738 (1967). Butler has filed a response, in which he raises claims of ineffective assistance of trial counsel. We conclude that the record is insufficiently developed to allow consideration on direct appeal of Butler's claims of ineffective assistance of counsel. See United States v. Brewster, 137 F.3d 853, 859 (5th Cir. 1998).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Our independent review of counsel's brief, Butler's response, and the record discloses no nonfrivolous issue for appeal. Accordingly, 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. The Government's motion to dismiss the appeal is DENIED.