

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-31174
Summary Calendar
Civil Docket #98-CR-60027-2

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JOSEPH ROBICHEAUX,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Louisiana

February 2, 2001

Before DAVIS, JONES, and DeMOSS, Circuit Judges.

PER CURIAM:*

The attorney appointed to represent Joseph Robicheaux has moved for leave to withdraw and has filed a brief in accordance with Anders v. California, 386 U.S. 738 (1967). In response to counsel's motion, Robicheaux has raised several appellate issues, including claims that counsel performed ineffectively at trial and at sentencing, and he moves this court to appoint new appellate

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

counsel. The motion for appointment of new appellate counsel is DENIED.

We pretermitt consideration of Robicheaux's ineffective counsel arguments because the record is not adequately developed for appellate review. United States v. Chavez-Valencia, 116 F.3d 127, 133-34 (5th Cir. 1997). Robicheaux's responses, counsel's brief, and our independent review of the record reveal no other potentially nonfrivolous issue. Consequently, counsel's motion for leave to withdraw is **GRANTED** and counsel is excused from further responsibilities herein. Robicheaux's claims of ineffective counsel are **DISMISSED WITHOUT PREJUDICE** to his ability to raise the issues on 28 U.S.C. § 2255 review. The **APPEAL IS DISMISSED**. See 5th Cir. R. 42.2.