

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

February 8, 2008

Charles R. Fulbruge III
Clerk

No. 07-50362
Summary Calendar

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

ISIDRO GUERRA-MENDOZA

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Texas
USDC No. 2:06-CR-390-ALL

Before KING, DAVIS and CLEMENT, Circuit Judges.

PER CURIAM:*

Counsel appointed to represent Isidro Guerra-Mendoza (Guerra) has moved for leave to withdraw and has filed a brief in accordance with *Anders v. California*, 386 U.S. 738 (1967). Guerra has filed a response and has moved for appointment of new counsel. The record is insufficiently developed to allow consideration at this time of Guerra's claim of ineffective assistance of counsel, see *United States v. Cantwell*, 470 F.3d 1087, 1091 (5th Cir. 2006), and 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

motion for appointment of new counsel is DENIED. See *United States v. Wagner*, 158 F.3d 901, 902-03 (5th Cir. 1998). Our independent review of the record, counsel's brief, and Guerra's response discloses no nonfrivolous issue for appeal. Accordingly, the 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.