

June 22, 2005

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 04-30094  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

MONTAVIOUS DEVON MCGILL,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Middle District of Louisiana  
USDC No. 3:03-CR-122-ALL-B  
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Before WIENER, BENAVIDES, and DENNIS, Circuit Judges.

PER CURIAM:\*

The Federal Public Defender appointed to represent Montavious Devon McGill ("McGill") has moved for leave to withdraw from this direct appeal and has filed a brief as required by Anders v. California, 386 U.S. 738 (1967). McGill has received a copy of counsel's motion and has filed a pro se response. In his response, McGill contends that his trial counsel was ineffective. We conclude that the record is insufficiently developed to allow consideration on direct 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

of McGill's claims of ineffective assistance of counsel. See United States v. Brewster, 137 F.3d 853, 859 (5th Cir. 1998).

Our independent review of counsel's brief and the record disclose no nonfrivolous issues for appeal. Accordingly, the motion for leave to withdraw is GRANTED, counsel is excused from further responsibilities herein, and the appeal is DISMISSED without prejudice to McGill's right to raise his ineffective assistance of counsel claims in a 28 U.S.C. § 2255 proceeding. See 5TH CIR. R. 42.2.