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

United States Court of Appeals
Fifth Circuit

**F I L E D**

March 19, 2012

No. 11-40811
Summary Calendar

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

ARACELI GONZALEZ,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 7:10-CR-1699-3

Before  DENNIS, CLEMENT, and OWEN, Circuit Judges.

PER CURIAM:[*]

The attorney appointed to represent Araceli Gonzalez has moved for leave
to withdraw and has filed a brief in accordance with *Anders v. California*, 386
U.S. 738 (1967), and *United States v. Flores*, 632 F.3d 229 (5th Cir. 2011).
Gonzalez has filed a response.  The record is insufficiently developed to allow
consideration at this time of Gonzalez's claims of ineffective assistance of
counsel; such a claim generally "cannot be resolved on direct appeal when the
claim has not been raised before the district court since no opportunity existed

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 R. 47.5, the court has determined that this opinion should not
be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

to develop the record on the merits of the allegations." *United States v. Cantwell*, 470 F.3d 1087, 1091 (5th Cir. 2006) (internal quotation marks and citation omitted). We have reviewed counsel's brief and the relevant portions of the record reflected therein, as well as Gonzalez's response. We concur with counsel's assessment that the appeal presents no nonfrivolous issue for appellate review.

The record does reveal a clerical error in the judgment. The judgment should be corrected to reflect the dismissal of count two of the indictment. *See* FED. R. CRIM. P. 36.

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. This matter is REMANDED for correction of the clerical error pursuant to Federal Rule of Criminal Procedure 36.