

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

United States Court of Appeals  
Fifth Circuit

**FILED**

March 28, 2012

Lyle W. Cayce  
Clerk

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No. 11-40827  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

STENNETH ALPHANSO BARNETT,

Defendant-Appellant

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 1:11-CR-677-1

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Before KING, JOLLY, and GRAVES, Circuit Judges.

PER CURIAM:\*

The Federal Public Defender appointed to represent Stenneth Alphanso Barnett 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). Barnett has filed a response and a pro se motion for the appointment of counsel. The record is insufficiently developed to allow consideration at this time of Barnett's claim of ineffective assistance of counsel; such a claim generally "cannot be resolved on direct appeal when the claim has

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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not been raised before the district court since no opportunity existed 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 Barnett’s response. We concur with counsel’s assessment that the appeal presents no nonfrivolous issue for appellate review. Accordingly, counsel’s motion for leave to withdraw is GRANTED, Barnett’s pro se motion for the appointment of counsel is DENIED, counsel is excused from further responsibilities herein, and the APPEAL IS DISMISSED. *See* 5TH CIR. R. 42.2.