

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-41379
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JOHN ERIC MACIAS,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC Nos. L-96-CR-19-1
C-01-CR-231

October 30, 2002

Before DeMOSS, BENAVIDES, and STEWART, Circuit Judges.

PER CURIAM:*

Appointed counsel for John Eric Macias has moved for leave to withdraw and has filed a brief as required by Anders v. California, 386 U.S. 738 (1967). Macias received a copy of counsel's motion and brief and has filed a response. He submits that he does not challenge the conduct for which revocation of his supervised release was sought. Macias argues instead that because of his cooperation with the Government he must serve 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

sentence in solitary confinement. This issue does not go to Macias's direct appeal. Because Macias did not raise claims of ineffective assistance of counsel in the district court, no record was made relative to this issue. This court does not resolve claims of ineffective assistance of counsel on direct appeal if the record is not sufficiently developed. See United States v. Haese, 162 F.3d 359, 363 (5th Cir. 1998).

Our independent review of the brief, the issue raised in Macias's response, and the record discloses no nonfrivolous issue. Accordingly, counsel's motion for leave to withdraw is GRANTED, counsel is excused from further responsibilities herein. The APPEAL IS DISMISSED. See 5TH CIR. R. 42.2.