

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 02-20307  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

DANIEL FLORES,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. H-01-CR-716-2  
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October 2, 2002

Before HIGGINBOTHAM, SMITH, and CLEMENT, Circuit Judges.

PER CURIAM:\*

Frumencio Reyes, Jr., court-appointed appellate counsel for Daniel Flores, has requested leave to withdraw and has filed a brief as required by Anders v. California, 386 U.S. 738 (1967). Flores has filed a response to the motion, arguing that counsel must have rendered ineffective assistance by filing objections at sentencing, but arguing on appeal that no nonfrivolous sentencing issue exists. The record has not been adequately developed for

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

us to consider this ineffective-assistance argument on direct appeal. See United States v. Higdon, 832 F.2d 312, 314 (5th Cir. 1987).

Our independent review of the brief and the record discloses no nonfrivolous issues for appeal. Counsel's motion for leave to withdraw is GRANTED, counsel is excused from further responsibilities, and the appeal is DISMISSED. See 5TH CIR. R. 42.2. Flores's motion for appointment of new counsel is DENIED.

MOTION TO WITHDRAW GRANTED; APPEAL DISMISSED; MOTION FOR APPOINTMENT OF COUNSEL DENIED.