

**FILED**

August 21, 2007

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

Charles R. Fulbruge III  
Clerk

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No. 06-51218  
Conference Calendar

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UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

IGNACIO HERNANDEZ-AGUILAR, also known as Ignacio Avila-Baltazar

Defendant-Appellant

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 5:97-CR-156-ALL

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Before HIGGINBOTHAM, SMITH, and CLEMENT, Circuit Judges.

PER CURIAM:\*

The attorney appointed to represent Ignacio Hernandez-Aguilar has moved for leave to withdraw and has filed a brief in accordance with *Anders v. California*, 386 U.S. 738 (1967). Hernandez-Aguilar has filed a response. The record is insufficiently developed to allow consideration at this time of Hernandez-Aguilar's claim of ineffective assistance of counsel. See *United States v. Cantwell*, 470 F.3d 1087, 1091 (5th Cir. 2006). Our independent review of the

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

record, counsel's brief, and Hernandez-Aguilar's response discloses no nonfrivolous issue for appeal. 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.