

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT **United States Court of Appeals
Fifth Circuit**

F I L E D

September 19, 2007

Charles R. Fulbruge III
Clerk

No. 06-60067
Summary Calendar

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

RICKY GAIL PIERCE, SR., also known as Preacher

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Mississippi
USDC No. 2:04-CR-36

Before JOLLY, DENNIS, and PRADO, Circuit Judges.

PER CURIAM:*

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

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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.