

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

United States Court of Appeals  
Fifth Circuit

**FILED**

June 8, 2011

Lyle W. Cayce  
Clerk

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No. 10-40702  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

PHILLIP ROBINETTE,

Defendant-Appellant

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Appeal from the United States District Court  
for the Eastern District of Texas  
USDC No. 4:09-CR-70-10

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Before KING, HIGGINBOTHAM, and BENAVIDES, Circuit Judges.

PER CURIAM:\*

The attorney appointed to represent Phillip Robinette 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). Robinette has filed a response. The record is insufficiently developed to allow consideration at this time of Robinette's claims of ineffective assistance of counsel. *See United States v. Cantwell*, 470 F.3d 1087, 1091 (5th Cir. 2006). We have reviewed counsel's brief and the relevant portions of the record reflected

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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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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therein, as well as Robinette's response. We concur with counsel's assessment that the appeal presents no nonfrivolous issue for appellate review. 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.