

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

United States Court of Appeals  
Fifth Circuit

**FILED**

March 17, 2014

Lyle W. Cayce  
Clerk

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No. 13-20447  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

MIGUEL AUGUSTO GOMEZ-TORRES, also known as Miguel Gomez, also known as Miguel Augusto Gomez, also known as Miguel Augusto Gomez Torres, also known as Humberto Gomez, also known as Humberto Gomez Marroquin, also known as Miguel Gutierrez-Gonzales,

Defendant-Appellant

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Appeals from the United States District Court  
for the Southern District of Texas  
USDC No. 4:13-CR-197-1

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Before DAVIS, SOUTHWICK, and HIGGINSON, Circuit Judges.

PER CURIAM:\*

The Federal Public Defender appointed to represent Miguel Augusto Gomez-Torres 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). Gomez-Torres has filed a response and

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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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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requests new appointed counsel. The record is insufficiently developed to allow consideration at this time of Gomez-Torres's claims of ineffective assistance of counsel; such claims generally "cannot be resolved on direct appeal when the claim[s] ha[ve] not been raised before the district court since no opportunity existed to develop the record on the merits of the allegations." *United States v. Cantwell*, 470 F.3d 1087, 1091 (5th Cir. 2006) (internal quotation marks and citation omitted). We have reviewed counsel's brief and the relevant portions of the record reflected therein, as well as Gomez-Torres's response. We concur with counsel's assessment that the appeal presents no nonfrivolous issue for appellate review. Accordingly, Gomez-Torres's motion for new counsel is DENIED, 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.