

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

No. 13-40870
Conference Calendar

United States Court of Appeals
Fifth Circuit

FILED

April 16, 2014

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

ARMANDO SILVESTRE RAMIREZ-ROJAS,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 7:12-CR-1562-1

Before PRADO, ELROD, and HAYNES, Circuit Judges.

PER CURIAM:*

The Federal Public Defender appointed to represent Armando Silvestre Ramirez-Rojas 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). Ramirez-Rojas filed an untimely document styled as a “notice of appeal” which we construe as a motion for leave to file a late response and as a response (which contained a list of untranslated

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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concerns in Spanish and others in English). We GRANT the motion for leave. We have reviewed counsel's brief and the relevant portions of the record reflected therein, as well as Ramirez-Rojas's document. To the extent that Ramirez-Rojas is attempting to raise a challenge of ineffective assistance of counsel, we conclude that the record is insufficiently developed to address these claims on direct appeal. *See United States v. Cantwell*, 470 F.3d 1087, 1091 (5th Cir. 2006). We concur with counsel's assessment that the appeal presents no nonfrivolous issue for appellate review. Accordingly, counsel's 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.