

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-10805
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

OSCAR OSPINA,

Defendant-Appellant.

Appeals from the United States District Court
for the Northern District of Texas
USDC No. 4:99-CR-26-1-G

February 16, 2000

Before EMILIO M. GARZA, BENAVIDES, and DENNIS, Circuit Judges.

PER CURIAM:*

The Federal Public Defender appointed to represent Oscar Ospina has moved to withdraw and has filed a brief as required by *Anders v. California*, 386 U.S. 738 (1967). Ospina has not filed a response. Our independent review of the brief and the record discloses no nonfrivolous issue for appeal. The record is not developed sufficiently to reach Ospina's ineffective assistance claims raised in his separate, *pro se* notice of appeal. *United States v. Navejar*, 963 F.2d 732, 735 (5th Cir. 1992). Ospina may raise this issue in a 28 U.S.C. § 2255 proceeding. Accordingly, counsel's motion for leave to withdraw is GRANTED, counsel is

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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excused from further responsibilities herein, and the APPEAL IS
DISMISSED.