

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

United States Court of Appeals  
Fifth Circuit

**FILED**

February 15, 2011

Lyle W. Cayce  
Clerk

---

No. 10-50453  
Conference Calendar

---

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

WILLIAM JAMES BURNS, II,

Defendant-Appellant

---

Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 6:09-CR-201-2

---

Before HIGGINBOTHAM, GARZA, and ELROD, Circuit Judges.

PER CURIAM:\*

The attorney appointed to represent William James Burns, II, has moved for leave to withdraw and has filed a brief in accordance with *Anders v. California*, 386 U.S. 738 (1967). Burns has filed a response. The record is insufficiently developed to allow consideration at this time of Burns's claims of ineffective assistance of counsel; such claims generally "cannot be resolved on direct appeal when [they have] not been raised before the district court since no opportunity existed to develop the record on the merits of the allegations."

---

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

No. 10-50453

*United States v. Cantwell*, 470 F.3d 1087, 1091 (5th Cir. 2006) (internal quotation marks and citation omitted). Our independent review of the record, counsel's brief, and Burns's response discloses no nonfrivolous issue for appeal. Accordingly, the motion for leave to withdraw is GRANTED, Burn's motion for appointment of new counsel is DENIED, counsel is excused from further responsibilities herein, and the APPEAL IS DISMISSED. *See* 5TH CIR. R. 42.2.