

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

United States Court of Appeals
Fifth Circuit

FILED

December 19, 2011

Lyle W. Cayce
Clerk

No. 10-50978
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

FELIPE SAUCEDO, JR.,

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Texas
USDC No. 5:08-CR-189-2

Before KING, HAYNES, and GRAVES, Circuit Judges.

PER CURIAM:*

The attorney appointed to represent Felipe Saucedo, Jr., 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). Saucedo has filed a response. The record is insufficiently developed to allow consideration at this time of Saucedo's claim of ineffective assistance of counsel implicating the voluntariness of his guilty plea; such a claim generally "cannot be resolved on direct appeal when the claim has not been raised before the

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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. 10-50978

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 Saucedo’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.