

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

---

No. 14-40289  
Conference Calendar

---

United States Court of Appeals  
Fifth Circuit

**FILED**

December 16, 2014

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

CARLOS ENRIQUE LEIVA,

Defendant-Appellant

---

Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 1:07-CR-564-1

---

Before KING, DENNIS, and SOUTHWICK, Circuit Judges.

PER CURIAM:\*

The Federal Public Defender (FPD) appointed to represent Carlos Enrique Leiva 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). Leiva has filed a response and moves for the appointment of new counsel. Although Leiva's response raises claims of ineffective assistance of counsel, those claims were not presented 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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. 14-40289

district court. We therefore decline to consider the claims without prejudice to Leiva's ability to raise the claims on collateral review. *See United States v. Isgar*, 739 F.3d 829, 841 (5th Cir.), *cert. denied*, 135 S. Ct. 123 (2014).

We have reviewed counsel's brief and the relevant portions of the record reflected therein, as well as Leiva's response. We concur with counsel's assessment that the appeal presents no nonfrivolous issue for appellate review. Accordingly, Leiva's pro se motion for the appointment of new counsel is DENIED, the FPD'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.*