

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

United States Court of Appeals
Fifth Circuit

FILED

December 13, 2019

Lyle W. Cayce
Clerk

No. 18-10269
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

MARCELINO RUIZ,

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:17-CR-190-1

Before HAYNES, DUNCAN, and ENGELHARDT, Circuit Judges.

PER CURIAM:*

The attorney appointed to represent Marcelino Ruiz has moved for leave to withdraw and has filed briefs in accordance with *Anders v. California*, 386 U.S. 738 (1967), and *United States v. Flores*, 632 F.3d 229 (5th Cir. 2011). Ruiz has filed several responses. The record is not sufficiently developed to allow us to make a fair evaluation of Ruiz's claims of ineffective assistance of counsel;

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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we therefore decline to consider the claims without prejudice to collateral review. *See United States v. Isgar*, 739 F.3d 829, 841 (5th Cir. 2014).

We have reviewed counsel's briefs and the relevant portions of the record reflected therein, as well as Ruiz's responses. We concur with counsel's assessment that the appeal presents no nonfrivolous issue for appellate review, even if we do not consider the appeal waiver. 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. Ruiz's motion for appointment of substitute counsel is DENIED.