

United States Court of Appeals for the Fifth Circuit

No. 22-10550
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

February 20, 2023

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

SERGIO ELEAZAR ORTEGA-TORRES,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:21-CR-310-1

Before STEWART, DUNCAN, and WILSON, *Circuit Judges.*

PER CURIAM:*

The Federal Public Defender appointed to represent Sergio Eleazar Ortega-Torres 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). Ortega-Torres has filed a response. The record is not sufficiently developed to allow us to make a fair evaluation

* This opinion is not designated for publication. See 5TH CIR. R. 47.5.

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of Ortega-Torres's claims of ineffective assistance of counsel; 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 brief and the relevant portions of the record reflected therein, as well as Ortega-Torres'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.