

United States Court of Appeals for the Fifth Circuit

No. 23-20558
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

April 1, 2024

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

MARVIEON SIMIEN,

Defendant—Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:23-CR-73-1

Before DAVIS, HO, and RAMIREZ, *Circuit Judges.*

PER CURIAM:*

The Federal Public Defender appointed to represent Marvieron Simien 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). Simien has filed a response. The record is not sufficiently developed to allow us to make a fair evaluation of Simien's claims

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

No. 23-20558

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 Simien'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.