

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

No. 13-11031
Conference Calendar

United States Court of Appeals
Fifth Circuit

FILED

June 17, 2014

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

SERGIO PICASSO-NIETO,

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:12-CR-392-3

Before KING, HAYNES, and HIGGINSON, Circuit Judges.

PER CURIAM:*

The attorney appointed to represent Sergio Picasso-Nieto 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). Picasso-Nieto has filed a response. The record is not sufficiently developed to allow us to make a fair evaluation of Picasso-Nieto's claim of ineffective assistance of counsel; we therefore decline to consider Picasso-Nieto's claim

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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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 Picasso-Nieto's response. We concur with counsel's assessment that the appeal presents no nonfrivolous issue for appellate review because Picasso-Nieto validly agreed to waive appeal. 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.