IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 13-51205
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

JESSE TREVINO, JR.,

Defendant-Appellant

Appeals from the United States District Court
for the Western District of Texas
USDC No. 1:13-CR-164-4

Before REAVLEY, DENNIS, and SOUTHWICK, Circuit Judges.

PER CURIAM:[*]

The attorney appointed to represent Jesse Trevino, Jr., 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). Trevino has filed a response. The record is not sufficiently developed to allow us to make a fair evaluation of Trevino's claim of ineffective assistance of counsel; we therefore decline to consider the claim without prejudice to its being

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[*] 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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raised on collateral review. *See United States v. Isgar*, 739 F.3d 829, 841 (5th Cir. 2014), *petition for cert. filed* (June 4, 2014) (No. 13-10484). Trevino's motion to withdraw a previously filed brief and to substitute a brief is construed as a motion to file a supplemental response to counsel's *Anders* motion, and it is GRANTED. To the extent that Trevino requests leave to proceed pro se, the request is DENIED as untimely. *See United States v. Wagner*, 158 F.3d 901, 902-03 (5th Cir. 1998).

We have reviewed counsel's brief and the relevant portions of the record reflected therein, as well as Trevino'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.