

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 15-10155
Conference Calendar

United States Court of Appeals
Fifth Circuit

FILED
August 18, 2017

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

ALEJANDRO GUERRERO-AGUILAR,

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:14-CR-118-1

Before JOLLY, HIGGINBOTHAM, and ELROD, Circuit Judges.

PER CURIAM:*

The attorney appointed to represent Alejandro Guerrero-Aguilar 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). Guerrero-Aguilar filed a response to his prior appellate attorney's motion to withdraw pursuant to *Anders*, but that motion was later withdrawn when new counsel was appointed. Guerrero-Aguilar has not filed a response

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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to his new counsel's motion. Insofar as Guerrero-Aguilar's response raises claims of ineffective assistance of counsel, the record is not sufficiently developed to allow us to make a fair evaluation of those claims. We therefore decline to consider these 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 Guerrero-Aguilar'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.