

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

No. 15-40077
Conference Calendar

United States Court of Appeals
Fifth Circuit

FILED

December 15, 2015

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

ISMAEL REMIGIO-MARCELINO,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 7:14-CR-1372-1

Before JONES, SOUTHWICK, and COSTA, Circuit Judges.

PER CURIAM:*

The Federal Public Defender appointed to represent Ismael Remigio-Marcelino 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). Remigio-Marcelino has filed a response. We have reviewed counsel's brief and the relevant portions of the record reflected therein, as well as Remigio-Marcelino's response. To the extent Remigio-

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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Marcelino asserts ineffectiveness of counsel, the record is not sufficiently developed to allow us to make a fair evaluation of any such claims; we therefore decline to consider those claims without prejudice to collateral review. *See United States v. Isgar*, 739 F.3d 829, 841 (5th Cir.), *cert. denied*, 135 S. Ct. 123 (2014). To the extent Remigio-Marcelino asks to appeal pro se, his request is DENIED.

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.