

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

No. 15-41482
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

December 15, 2016

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff–Appellee,

versus

ANTONIO MONTES-RUIZ, Also Known as Tonio,

Defendant–Appellant.

Appeals from the United States District Court
for the Eastern District of Texas
USDC No. 4:12-CR-19-16

Before JOLLY, SMITH, and GRAVES, Circuit Judges.

PER CURIAM:*

The attorney appointed to represent Antonio Montes-Ruiz has moved for

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

No. 15-41482

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). Montes-Ruiz has filed a response and a motion to withdraw his guilty plea and for an evidentiary hearing. The record is not sufficiently developed to allow us to make a fair evaluation of Montes-Ruiz's claims of ineffective assistance of counsel or his claims that coercion or duress tainted his guilty plea; we therefore decline to consider the claims on direct review. *See United States v. Isgar*, 739 F.3d 829, 841 (5th Cir. 2014); *United States v. Corbett*, 742 F.2d 173, 176–78 (5th Cir. 1984).

We have reviewed counsel's brief, relevant portions of the record reflected therein, and Montes-Ruiz's response and his motion. 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. Montes-Ruiz's motion to withdraw his guilty plea and for an evidentiary hearing, docketed as a motion for extraordinary relief, is DENIED.