

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

No. 15-51105
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

August 9, 2016

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

OLEGARIO ASTUDILLO, also known as Chirro, also known as Nanche, also known as Jesus Hernandez, also known as Javier Gabriel Carachure, also known as Olegario Hernandez Astudillo,

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Texas
USDC No. 1:15-CR-236-2

Before JOLLY, SMITH, and GRAVES, Circuit Judges.

PER CURIAM:*

The attorney appointed to represent Olegario Astudillo 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). Astudillo has filed a response. The record is not sufficiently developed to allow us to make a fair evaluation of Astudillo's claims of ineffective assistance of

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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counsel; we therefore decline to consider the 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 Astudillo'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, Astudillo's motion for appointment of new counsel is DENIED, counsel is excused from further responsibilities herein, and the APPEAL IS DISMISSED. *See* 5TH CIR. R. 42.2.