

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

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No. 16-10487  
Conference Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**

December 20, 2016

Lyle W. Cayce  
Clerk

Plaintiff-Appellee

UNITED STATES OF AMERICA,

v.

LUIS RIVERA,

Defendant-Appellant

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 3:15-CR-51-1

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Before DENNIS, PRADO, and OWEN, Circuit Judges.

PER CURIAM:\*

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

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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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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counsel; we therefore decline to consider the claim 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 Rivera'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.