

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

No. 16-11697
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

January 30, 2018

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

FUNAKI FALAHOLA, also known as Noc,

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:14-CR-266-28

Before JOLLY, JONES, and OWEN, Circuit Judges.

PER CURIAM:*

The attorney appointed to represent Funaki Falahola 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). Falahola has filed a response. To the extent he makes a claim of ineffective assistance of counsel, the record is not sufficiently developed to allow us to fairly evaluate it; we therefore decline to consider any such claim without

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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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 Falahola'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. We further DENY AS MOOT Falahola's pro se motions to substitute and DENY AS MOOT his motion for extraordinary relief.