

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

---

No. 16-51173  
Summary Calendar

---

United States Court of Appeals  
Fifth Circuit

**FILED**

November 28, 2017

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

JOSE GAZCA-SOLIS,

Defendant-Appellant

---

Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 2:16-CR-240-1

---

Before DAVIS, CLEMENT, and COSTA, Circuit Judges.

PER CURIAM:\*

The Federal Public Defender appointed to represent Jose Gazca-Solis has moved for leave to withdraw and has filed briefs pursuant to *Anders v. California*, 386 U.S. 738 (1967), and *United States v. Flores*, 632 F.3d 229 (5th Cir. 2011). Gazca-Solis has filed a response. The record is not sufficiently developed to allow us to make a fair evaluation of Gazca-Solis's claim of ineffective assistance of counsel; we therefore decline to consider the claim

---

\* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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. 16-51173

without prejudice to collateral review. *See United States v. Isgar*, 739 F.3d 829, 841 (5th Cir. 2014).

We have reviewed counsel's briefs and the relevant portions of the record reflected therein, as well as Gazca-Solis'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. Gazca-Solis's motion to appoint new counsel is DENIED.