

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

United States Court of Appeals
Fifth Circuit

FILED

June 7, 2018

Lyle W. Cayce
Clerk

No. 17-40866
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

ROGELIO GARCIA-URIBE, also known as Vicente Zormeno-Lopez,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 7:17-CR-452-1

Before REAVLEY, GRAVES, and HO, Circuit Judges.

PER CURIAM:*

The Federal Public Defender appointed to represent Rogelio Garcia-Uribe 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). Garcia-Uribe has filed a response and an incorporated motion for the appointment of new counsel on appeal. The record is not sufficiently developed to allow us to make a fair evaluation of Garcia-Uribe's

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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. 17-40866

claim of ineffective assistance of 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 Garcia-Uribe's response. We concur with counsel's assessment that the appeal presents no nonfrivolous issue for appellate review. Accordingly, Garcia-Uribe's motion for the appointment of new counsel is DENIED, 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.