

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

No. 17-50716
Conference Calendar

United States Court of Appeals
Fifth Circuit

FILED

October 16, 2018

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

OMAR VILLALPANDO-GONZALEZ, also known as Omar Jonathan Villapando, also known as Omar Jonathon Villapando Gonzalez, also known as Omar Gonzalez-Villapando, also known as Omar Villalpando, also known as Omar Jonathan Villalpando-Gonzalez, also known as Omar Gonzalez,

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Texas
USDC No. 5:16-CR-360-1

Before REAVLEY, OWEN, and GRAVES, Circuit Judges.

PER CURIAM:*

The attorney appointed to represent Omar Villalpando-Gonzalez 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). Villalpando-Gonzalez has filed a response.

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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. 17-50716

We have reviewed counsel's brief and the relevant portions of the record reflected therein, as well as Villalpando-Gonzalez's response. We concur with counsel's assessment that the appeal presents no nonfrivolous issue for appellate review. To the extent Villalpando-Gonzalez asserts a claim of ineffective assistance of counsel, the record is not sufficiently developed to allow us to make a fair evaluation of the claim; we therefore decline to consider it without prejudice to collateral review. *See United States v. Isgar*, 739 F.3d 829, 841 (5th Cir. 2014).

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.