

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

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No. 18-10532  
Conference Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**

April 12, 2019

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

RONALD LEE MILLER,

Defendant-Appellant

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 2:17-CR-15-1

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Before OWEN, GRAVES and ENGELHARDT, Circuit Judges.

PER CURIAM:\*

The attorney appointed to represent Ronald Lee Miller 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). Miller has filed responses. The record is not sufficiently developed to allow us to make a fair evaluation of Miller's claim of ineffective assistance of counsel;

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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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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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 Miller's responses. 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. Miller's requests to dismiss appointed counsel and proceed pro se are DENIED. *See United States v. Wagner*, 158 F.3d 901, 902-03 (5th Cir. 1998).

In light of the court's recent decision in *United States v. Lucero*, No. 17-50709, \_\_\_ F. App'x \_\_\_, 2018 WL 6200326 (5th Cir. Nov. 27, 2018), we REMAND to the district court for the limited purpose of re-entering its order dated December 19, 2018.