

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

August 17, 2020

Lyle W. Cayce
Clerk

No. 19-20788
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

ANTHONY CARL SCOTT, JR.,

Defendant—Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:11-CR-867-1

Before SMITH, STEWART, and HIGGINSON, *Circuit Judges.*

PER CURIAM:*

The attorney appointed to represent Anthony Carl Scott, Jr., 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). Scott has filed a response in which he alleges that his attorney

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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had a conflict of interest and otherwise provided ineffective assistance of counsel. The record is not sufficiently developed to allow us to make a fair evaluation of Scott's claims of ineffective assistance of counsel. We therefore decline to consider the claims, without prejudice to collateral review. *See United States v. Isgar*, 739 F.3d 829, 841 (5th Cir. 2014).

Our independent review of counsel's brief, the relevant portions of the record, and Scott's response, discloses a nonfrivolous issue for appeal regarding the adequacy of the district court's explanation of Scott's sentence. *See United States v. Mondragon-Santiago*, 564 F.3d 357, 364 (5th Cir. 2009); *United States v. Whitelaw*, 580 F.3d 256, 262 (5th Cir. 2009).

Accordingly, counsel's motion for leave to withdraw is DENIED. Counsel is ORDERED to file a brief on the merits addressing the issue identified above and any other nonfrivolous issue that counsel deems appropriate for appeal. The clerk is DIRECTED to establish a briefing schedule.