

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

United States Court of Appeals
Fifth Circuit

FILED

January 27, 2020

Lyle W. Cayce
Clerk

No. 19-40390
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

DEANDRE BENNETT,

Defendant-Appellant

Appeals from the United States District Court
for the Southern District of Texas
USDC No. 2:16-CR-76-1

Before JONES, HIGGINSON, and WILLETT, Circuit Judges.

PER CURIAM:*

The Federal Public Defender appointed to represent Deandre Bennett 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). Bennett has filed a response. The record is not sufficiently developed to allow us to make a fair evaluation of Bennett's claims of ineffective assistance of counsel; we therefore decline to consider those claims

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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. 19-40390

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

We have reviewed counsel's brief, the relevant portions of the record reflected therein, and Bennett'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. Bennett's motion to appoint new counsel is DENIED. *See United States v. Wagner*, 158 F.3d 901, 902–03 (5th Cir. 1998).