

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

United States Court of Appeals  
Fifth Circuit

**FILED**

March 13, 2020

Lyle W. Cayce  
Clerk

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No. 19-50712  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff–Appellee,

v.

JAMES NEIRA,

Defendant–Appellant.

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 3:18-CR-2399-1

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Before JONES, HIGGINSON, and WILLETT, Circuit Judges.

PER CURIAM:\*

The attorney appointed to represent James Neira 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). Neira has filed a response. The record is not sufficiently developed to allow us to make a fair evaluation of Neira’s claims 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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 claims 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 Neira'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.*