

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

December 7, 2020

Lyle W. Cayce
Clerk

No. 19-50734
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

RICARDO LOZANO, JR.,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 7:19-CR-43-2

Before DAVIS, ELROD, and OLDHAM, *Circuit Judges.*

PER CURIAM:*

The attorney appointed to represent Ricardo Lozano, 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). Lozano has responded. The record is not sufficiently

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

No. 19-50734

developed to allow us to make a fair evaluation of Lozano'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).

We have reviewed counsel's brief and the relevant portions of the record reflected therein, as well as Lozano's original and supplemental 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. Lozano's untimely request for appointment of new counsel on appeal is DENIED. *See United States v. Wagner*, 158 F.3d 901, 902-03 (5th Cir. 1998).