

# United States Court of Appeals for the Fifth Circuit

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No. 22-10537  
Summary Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**

February 28, 2023

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

*Plaintiff—Appellee,*

*versus*

JOHN DAVID GONZALES,

*Defendant—Appellant.*

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 6:21-CR-58-3

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Before JOLLY, JONES, and HO, *Circuit Judges.*

PER CURIAM:\*

The attorney appointed to represent John David Gonzales 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). Gonzales has filed a response and requested the appointment of substitute counsel. The record is not sufficiently developed to allow us to make a fair evaluation of Gonzales's claims of ineffective assistance of

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\* This opinion is not designated for publication. See 5TH CIR. R. 47.5.

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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). Additionally, Gonzales's request for the appointment of substitute counsel is DENIED as untimely. *See United States v. Wagner*, 158 F.3d 901, 902-03 (5th Cir. 1998).

We have reviewed counsel's brief and the relevant portions of the record reflected therein, as well as Gonzales'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.*