

United States Court of Appeals
for the Fifth Circuit

No. 22-10591
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED
December 7, 2022

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

ALFONSO BUTLER, JR.,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:22-CR-11-1

Before STEWART, DUNCAN, and WILSON, *Circuit Judges.*

PER CURIAM:*

The Federal Public Defender appointed to represent Alfonso Butler, 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). Butler has filed a response. To the extent he raises a claim of ineffective assistance of counsel, the record is not sufficiently

* This opinion is not designated for publication. See 5th Cir. R. 47.5.

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developed to allow us to make a fair evaluation of Butler's claim; we therefore decline to consider the claim 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 Butler'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.