

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

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No. 13-20626  
Summary Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**

July 28, 2014

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

Plaintiff–Appellee,

versus

JULIO CESAR GUZMAN-AVILA, Also Known as Jose Lee Garza,  
Also Known as Julian Lee Garza, Also Known as Julio Cesar Guzman,  
Also Known as Julio Lee Guzman, Also Known as Eduardo Guzman,  
Also Known as Julio Cesar Guzman Avila,

Defendant–Appellant.

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Appeal from the United States District Court  
for the Southern District of Texas  
No. 4:13-CR-278-1

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Before SMITH, WIENER, and ELROD, Circuit Judges.

PER CURIAM:\*

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

No. 13-20626

The Federal Public Defender appointed to represent Julio Guzman-Avila 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). Guzman-Avila has filed a motion for reconsideration, which we construe as a motion for leave to file a response to counsel's *Anders* motion and brief. The motion is GRANTED.

The record is not sufficiently developed to allow us to make a fair evaluation of Guzman-Avila's claim of ineffective assistance of counsel; we therefore decline to consider that claim on direct review. *See United States v. Isgar*, 739 F.3d 829, 841 (5th Cir. 2014), *petition for cert. filed* (June 4, 2014) (No. 13-10484). We have reviewed counsel's brief, relevant portions of the record reflected therein, and Guzman-Avila'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.