

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

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No. 14-10673  
Summary Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**

June 12, 2015

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

Plaintiff–Appellee,

v.

HERIBERTO BERUMEN LUNA, also known as Beto,

Defendant–Appellant.

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Appeals from the United States District Court  
for the Northern District of Texas  
USDC No. 3:13-CR-26

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Before PRADO, OWEN, and GRAVES, Circuit Judges.

PER CURIAM:\*

The Federal Public Defender appointed to represent Heriberto Berumen Luna 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). Luna has filed a response. The record is not sufficiently developed to allow us to make a fair evaluation of Luna’s claim of ineffective assistance of counsel; we therefore decline to consider the claim without

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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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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prejudice to collateral review. *See United States v. Isgar*, 739 F.3d 829, 841 (5th Cir.), *cert. denied*, 135 S. Ct. 123 (2014).

We have reviewed counsel's brief and the relevant portions of the record reflected therein, as well as Luna'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. Luna's pro se request for counsel's removal is DENIED as unnecessary, and his request for appointment of new counsel is DENIED as untimely. *Cf. United States v. Wagner*, 158 F.3d 901, 902-03 (5th Cir. 1998).