

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

---

No. 14-20185  
Summary Calendar

---

United States Court of Appeals  
Fifth Circuit

**FILED**

July 16, 2015

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

JOSE GUTIERREZ VILLA,

Defendant-Appellant

---

Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 4:13-CR-409-1

---

Before HIGGINBOTHAM, JONES, and HIGGINSON, Circuit Judges.

STEPHEN A. HIGGINSON, Circuit Judge.\*

The Federal Public Defender appointed to represent Jose Gutierrez Villa has moved for leave to withdraw as counsel on appeal 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). Gutierrez Villa has filed responses. The record is not sufficiently developed to allow us to make a fair evaluation of Gutierrez Villa's claim of ineffective assistance of counsel; we therefore decline

---

\* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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. 14-20185

to consider the claim without 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, as well as Gutierrez Villa’s responses. We concur with counsel’s assessment that the appeal presents no nonfrivolous issue for appellate review. The motion for leave to withdraw is therefore GRANTED, and counsel is excused from further responsibilities in this case. Gutierrez Villa’s request to proceed pro se is DENIED. *See United States v. Polanco–Ozorto*, 772 F.3d 1053, 1055 (5th Cir. 2014) (per curiam) (“[A] criminal defendant’s motion to proceed pro se on appeal will be denied if it is filed after the defendant’s counsel has filed an *Anders* brief, as such a request is invoked too late.” (internal quotation marks and citation omitted)). The APPEAL IS DISMISSED. *See* 5TH CIR. R. 42.2.