

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

United States Court of Appeals
Fifth Circuit

FILED

July 16, 2015

Lyle W. Cayce
Clerk

No. 14-50440
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

LUIS GERARDO MARTINEZ-LEYVA,

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Texas
USDC No. 3:11-CR-2196-3

Before KING, JOLLY, and HAYNES, Circuit Judges.

PER CURIAM:*

The attorney appointed to represent Luis Gerardo Martinez-Leyva 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). Martinez-Leyva has filed a response. The record is not sufficiently developed to allow us to make a fair evaluation of Martinez-Leyva's claims of ineffective assistance of counsel; we therefore decline to consider the claims

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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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 reflected therein, as well as Martinez-Leyva'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. Martinez-Leyva's motion for the appointment of new counsel is DENIED.