

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

No. 16-11532
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

January 11, 2018

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

OSCAR MELANSON,

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:16-CR-21-11

Before DENNIS, SOUTHWICK, and HAYNES, Circuit Judges.

PER CURIAM:*

The attorney appointed to represent Oscar Melanson 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). Melanson has filed a motion for appointment of new counsel because he wishes to pursue a claim of ineffective assistance of counsel. The record is not sufficiently developed to allow us to make a fair evaluation of Melanson's claim

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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of ineffective assistance of counsel; 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 Melanson's motion. 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 and counsel is excused from further responsibilities herein; Melanson's motion for appointment of counsel is DENIED, and the APPEAL IS DISMISSED. *See* 5TH CIR. R. 42.2.