

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

No. 16-40364
Summary Calendar

United States Court of Appeals
Fifth Circuit
FILED
December 14, 2016
Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

IGNACIO AGUILAR-CARDENAS, also known as Nacho,

Defendant-Appellant

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 4:14-CR-81-12

Before KING, DENNIS, and COSTA, Circuit Judges.

PER CURIAM:*

The attorney appointed to represent Ignacio Aguilar-Cardenas 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). Aguilar-Cardenas has filed a response. The record is not sufficiently developed to allow us to make a fair evaluation of Aguilar-Cardenas's claims of ineffective assistance of counsel; we therefore decline to

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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consider the claims. *See United States v. Isgar*, 739 F.3d 829, 841 (5th Cir. 2014). This denial is without prejudice to collateral review: Aguilar-Cardenas may raise any claims of ineffective assistance of counsel in a motion under 18 U.S.C. § 2255. *See id.*

We have reviewed counsel's brief and the relevant portions of the record reflected therein, as well as Aguilar-Cardenas'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.