

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

No. 16-40540
Summary Calendar

United States Court of Appeals
Fifth Circuit
FILED
November 16, 2016
Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

JOSE GUADALUPE GARCIA-RODRIGUEZ,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 1:15-CR-974-1

Before JONES, WIENER, and CLEMENT, Circuit Judges.

PER CURIAM:*

The Federal Public Defender appointed to represent Jose Guadalupe Garcia-Rodriguez 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). Garcia-Rodriguez has filed a response. The record is not sufficiently developed to allow us to make a fair evaluation of Garcia-Rodriguez's claims of ineffective assistance of counsel; we therefore

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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decline to consider the claims 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 Garcia-Rodriguez’s response. Although Garcia-Rodriguez signed a document entitled “Decision Regarding My Appeal,” in which he stated that he wished to appeal only his sentence, we have reviewed the validity of both the conviction and sentence. 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.