

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

No. 16-40853
Conference Calendar

United States Court of Appeals
Fifth Circuit

FILED

April 18, 2017

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

JOSE RAMIRO RAMOS-MORENO,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 5:15-CR-1079-1

Before KING, HAYNES, and GRAVES, Circuit Judges.

PER CURIAM:*

The Federal Public Defender appointed to represent Jose Ramiro Ramos-Moreno 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). Ramos-Moreno has filed a response with an incorporated motion asking this court to vacate his sentence and remand the case to the district court for resentencing based on a claim that he received

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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ineffective assistance of counsel. The record is not sufficiently developed to allow us to make a fair evaluation of Ramos-Moreno's claim 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 Ramos-Moreno'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, Ramos-Moreno's motion is DENIED, and the APPEAL IS DISMISSED. *See* 5TH CIR. R. 42.2.