

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

No. 16-41685
Summary Calendar

United States Court of Appeals
Fif h Circuit

FILED

August 4, 2017

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

RICKY LEE PIMIENTA,

Defendant-Appellant

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 4:11-CR-242-1

Before DAVIS, CLEMENT, and COSTA, Circuit Judges.

PER CURIAM:*

The Federal Public Defender appointed to represent Ricky Lee Pimienta 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). Pimienta has filed a response and a motion for appointment of counsel. The record is not sufficiently developed to allow us to make a fair evaluation of Pimienta's claims of ineffective assistance of counsel;

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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we therefore 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 Pimienta'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, Pimienta's motion for appointment of counsel is DENIED, and the APPEAL IS DISMISSED. *See* 5TH CIR. R. 42.2.