

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

No. 16-50106
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

April 3, 2017

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

CRUZ DIOSDADO ARANDA, also known as Cruz D. Aranda, also known as Cruz Aranda, also known as Crus Diosdado, Jr., also known as Crus Diosdado, also known as Cruz Diosada, also known as Cruz Aranda Diosdado,

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Texas
USDC No. 5:13-CR-842-1

Before KING, DENNIS, and COSTA, Circuit Judges.

PER CURIAM:*

The attorney appointed to represent Cruz Diosdado Aranda 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). Diosdado Aranda has filed a response. The record is not sufficiently developed to allow us to make a fair evaluation of Diosdado Aranda's claims of

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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; we therefore decline to consider these claims. *See United States v. Isgar*, 739 F.3d 829, 841 (5th Cir. 2014). This denial is without prejudice to collateral review: Diosdado Aranda 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 Diosdado Aranda's response. We concur with counsel's assessment that the appeal presents no nonfrivolous issue for appellate review. However, we note that, if the imposition of forfeiture was a clerical error as counsel suggests, Diosdado Aranda may move the district court to correct the judgment. *See* FED. R. CRIM. P. 36.

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.