

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

No. 16-50720
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

May 26, 2017

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff–Appellee,

versus

JOSE PEDRO FUERTE-NAMBO,

Defendant–Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 2:15-CR-1127-1

Before JOLLY, SMITH, and GRAVES, Circuit Judges.

PER CURIAM:*

The Federal Public Defender appointed to represent Jose Fuerte-Nambo

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

No. 16-50720

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). Fuerte-Nambo has filed a response.

We have reviewed counsel's brief, relevant portions of the record, and Fuerte-Nambo's response. We concur with counsel's assessment that the appeal presents no nonfrivolous issue for appellate review. The record is not sufficiently developed to allow a fair evaluation of Fuerte-Nambo's claim of ineffective assistance of counsel; we therefore decline to consider it, without prejudice to collateral review. *See United States v. Isgar*, 739 F.3d 829, 841 (5th Cir. 2014).

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.