

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

No. 17-20117
Conference Calendar

United States Court of Appeals
Fifth Circuit

FILED

October 1, 2018

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

DEANGELO ONEAL TATE,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:15-CR-634-1

Before DAVIS, JONES, and DUNCAN, Circuit Judges.

PER CURIAM:*

The attorney appointed to represent DeAngelo Oneal Tate has moved for leave to withdraw and has filed a brief and a supplemental in accordance with *Anders v. California*, 386 U.S. 738 (1967), and *United States v. Flores*, 632 F.3d 229 (5th Cir. 2011). Tate has filed a response as well as a supplemental memorandum that refers to Federal Rule of Criminal Procedure 28(j). The record is not sufficiently developed to allow us to make a fair evaluation 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

No. 17-20117

Tate's claims of ineffective assistance of counsel; 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 briefs and the relevant portions of the record reflected therein, as well as Tate's filings. 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. Tate's motion to exceed the word limit applicable to Rule 28(j) letters is GRANTED; however, to the extent that Tate requests vacatur and remand, his request is DENIED.