

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

United States Court of Appeals
Fifth Circuit

FILED

April 9, 2019

Lyle W. Cayce
Clerk

No. 17-20703
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

ROGER MALDONADO,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:15-CR-632-1

Before HIGGINBOTHAM, SMITH, and OLDHAM, Circuit Judges.

PER CURIAM:*

The attorney appointed to represent Roger Maldonado has moved for leave to withdraw and has filed briefs in accordance with *Anders v. California*, 386 U.S. 738 (1967), and *United States v. Flores*, 632 F.3d 229 (5th Cir. 2011). Maldonado has filed a response. The record is not sufficiently developed to allow us to make a fair evaluation of Maldonado's claim of ineffective assistance of counsel; we therefore decline to consider the claim without

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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. 17-20703

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 Maldonado's response. We concur with counsel's assessment that the appeal presents no nonfrivolous issue for appellate review. Accordingly, counsel's 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. Maldonado's motion for the appointment of new counsel on appeal is DENIED.

In light of the court's recent decision in *United States v. Lucero*, __ F. App'x __, No. 17-50709, 2018 WL 6200326, at *1-2 (5th Cir. Nov. 27, 2018), we remand to the district court for the limited purpose of re-entering its corrected judgment.