

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

No. 17-41015
Conference Calendar

United States Court of Appeals
Fifth Circuit

FILED

September 4, 2018

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

OMAR VAZQUEZ-AVENDANO, also known as El Toro,

Defendant-Appellant

Appeals from the United States District Court
for the Southern District of Texas
USDC No. 7:16-CR-876-11

Before HIGGINSON, COSTA, and HO, Circuit Judges.

PER CURIAM:*

The attorney appointed to represent Omar Vazquez-Avendano 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). Vazquez-Avendano has filed a response. The record is not sufficiently developed to allow us to make a fair evaluation of Vazquez-Avendano's claim of ineffective assistance of counsel; we therefore decline to

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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consider the claim 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 Vazquez-Avendano'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. Vazquez-Avendano's motion asking the court to order counsel to brief the issues raised in his response, to vacate his conviction and sentence, and to remand to the district court is DENIED.