

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

No. 17-50668
Conference Calendar

United States Court of Appeals
Fifth Circuit

FILED

June 27, 2019

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

RICARDO VALLES DE LA ROSA, also known as Chino, also known as Come
Arroz, also known as 99,

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Texas
USDC No. 3:10-CR-2213-6

Before DAVIS, JONES, and OLDHAM, Circuit Judges.

PER CURIAM:*

The attorney appointed to represent Ricardo Valles De La Rosa 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). De La Rosa has filed a response. The record is not sufficiently developed to allow us to make a fair evaluation of De La Rosa'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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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 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 brief and the relevant portions of the record reflected therein, as well as De La Rosa's response. De La Rosa's appeal waiver does not bar any challenge to the adequacy of the district court's compliance with Federal Rule of Criminal Procedure 11, which is a threshold issue for the enforceability of an appeal waiver. *See United States v. McKinney*, 406 F.3d 744, 746 (5th Cir. 2005). Nonetheless, we concur with counsel's conclusion 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.