

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

No. 18-10532
Conference Calendar

United States Court of Appeals
Fifth Circuit

FILED

April 12, 2019

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

RONALD LEE MILLER,

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 2:17-CR-15-1

Before OWEN, GRAVES and ENGELHARDT, Circuit Judges.

PER CURIAM:*

The attorney appointed to represent Ronald Lee Miller 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). Miller has filed responses. The record is not sufficiently developed to allow us to make a fair evaluation of Miller's claim of ineffective assistance of counsel;

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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we therefore decline to 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 Miller's responses. 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. Miller's requests to dismiss appointed counsel and proceed pro se are DENIED. *See United States v. Wagner*, 158 F.3d 901, 902-03 (5th Cir. 1998).

In light of the court's recent decision in *United States v. Lucero*, No. 17-50709, ___ F. App'x ___, 2018 WL 6200326 (5th Cir. Nov. 27, 2018), we REMAND to the district court for the limited purpose of re-entering its order dated December 19, 2018.