

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

No. 18-50485
c/w No. 18-50487
Conference Calendar

United States Court of Appeals
Fifth Circuit

FILED

April 15, 2019

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

OSCAR UBALDO ACOSTA-LEVARIO,

Defendant-Appellant

Appeals from the United States District Court
for the Western District of Texas
USDC No. 4:17-CR-341-1
USDC No. 4:17-CR-399-1

Before HIGGINSON, COSTA, and HO, Circuit Judges.

PER CURIAM:*

The Federal Public Defender appointed to represent Oscar Ubaldo Acosta-Levario 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). Acosta-Levario has filed a response. 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

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Acosta-Levario's claim of ineffective assistance of counsel; 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 records reflected therein, as well as Acosta-Levario's response. We concur with counsel's assessment that the consolidated 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 APPEALS ARE DISMISSED. *See* 5TH CIR. R. 42.2.