

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

No. 19-10205
Conference Calendar

United States Court of Appeals
Fifth Circuit

FILED

January 10, 2020

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff–Appellee,

versus

JOHNNY RAY MARTINEZ, also known as Juan Ramon Martinez,

Defendant–Appellant.

Appeal from the United States District Court
for the Northern District of Texas
No. 5:17-CR-44-1

Before DAVIS, SMITH, and SOUTHWICK, Circuit Judges.

PER CURIAM:*

The attorney appointed to represent Johnny Martinez has moved 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

No. 19-10205

withdraw and has filed a brief per *Anders v. California*, 386 U.S. 738 (1967), and *United States v. Flores*, 632 F.3d 229 (5th Cir. 2011). Martinez has filed a response. The record is not sufficiently developed for a fair evaluation of Martinez's claims of ineffective assistance of counsel; we therefore decline to consider them but without prejudice to collateral review. *See United States v. Isgar*, 739 F.3d 829, 841 (5th Cir. 2014).

We have reviewed counsel's brief, relevant portions of the record, and Martinez's response. 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*. To the extent that Martinez moves for the appointment of substitute counsel, the motion is DENIED. *See United States v. Wagner*, 158 F.3d 901, 902–03 (5th Cir. 1998).