

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

October 1, 2020

Lyle W. Cayce
Clerk

No. 20-10149
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

DARREN DOUGLAS JOHNSON, *also known as* FRESH,

Defendant—Appellant.

Appeals from the United States District Court
for the Northern District of Texas
USDC No. 3:18-CR-460-2

Before JONES, CLEMENT, and HAYNES, *Circuit Judges.*

PER CURIAM:*

The attorney appointed to represent Darren Douglas Johnson 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). Johnson has filed a response, as well as a motion to file a

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

No. 20-10149

supplemental response, which is GRANTED. The record is not sufficiently developed to allow us to make a fair evaluation of Johnson's claims of 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 Johnson'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.*