

United States Court of Appeals  
for the Fifth Circuit

United States Court of Appeals  
Fifth Circuit

**FILED**

August 11, 2022

Lyle W. Cayce  
Clerk

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No. 21-20156  
Summary Calendar

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UNITED STATES OF AMERICA,

*Plaintiff—Appellee,*

*versus*

KEITH THOMAS,

*Defendant—Appellant.*

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 4:19-CR-840-1

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Before JOLLY, OLDHAM, and WILSON, *Circuit Judges.*

PER CURIAM:\*

The Federal Public Defender appointed to represent Keith Thomas 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). We construe Thomas's pro se response as a motion for

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\* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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leave to file an out-of-time response, and we grant the motion and have considered his response. To the extent Thomas seeks to raise a claim of ineffective assistance of counsel, the record is not sufficiently developed for us to make a fair evaluation of such claims on direct appeal; we therefore decline to consider any such claims without prejudice to collateral review. *See United States v. Isgar*, 739 F.3d 829, 841 (5th Cir. 2014).

Based on our review of counsel's brief, the relevant portions of the record reflected therein, and Thomas'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; Thomas's motion for leave to file an out-of-time response is GRANTED; and the APPEAL IS DISMISSED. *See* 5TH CIR. R. 42.2.