

United States Court of Appeals for the Fifth Circuit

No. 21-20568
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

August 22, 2023

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

HITESH MADHUBHAI PATEL,

Defendant—Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:16-CR-385-7

Before HIGGINBOTHAM, STEWART, and ELROD, *Circuit Judges.*

PER CURIAM:*

The attorney appointed to represent Hitesh Madhubhai Patel has moved for leave to withdraw and has filed a brief and supplemental brief in accordance with *Anders v. California*, 386 U.S. 738 (1967), and *United States v. Flores*, 632 F.3d 229 (5th Cir. 2011). Patel has filed a response to the original brief. The record is not sufficiently developed to allow us to make a

* This opinion is not designated for publication. See 5TH CIR. R. 47.5.

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fair evaluation of Patel'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 briefs and the relevant portions of the record reflected therein, as well as Patel'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.