

United States Court of Appeals for the Fifth Circuit

No. 22-11150
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

September 5, 2023

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

RAMIRO MEDINA-GOMEZ,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:20-CR-190-1

Before WILLETT, DUNCAN, and DOUGLAS, *Circuit Judges.*

PER CURIAM:*

The attorney appointed to represent Ramiro Medina-Gomez 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). Medina-Gomez has filed a response, in which he challenges his guilty plea and sentence arguing, inter alia, that he pleaded guilty based

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

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on counsel's erroneous advice regarding the applicable guidelines range and that counsel failed to respond to his request to withdraw his guilty plea. The record is not sufficiently developed to allow us to make a fair evaluation of Medina-Gomez's claim that counsel failed to respond to his request to withdraw his guilty plea. We therefore decline to consider the claim without prejudice to it being raised on 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 Medina-Gomez's response. We concur with counsel's assessment that the 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 appeal is DISMISSED. *See 5TH CIR. R. 42.2.*