

United States Court of Appeals for the Fifth Circuit

No. 22-50864
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

May 5, 2023

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

TYMODREIUS DAE QUON HOWELL,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 7:22-CR-89-1

Before JOLLY, JONES, and HO, *Circuit Judges.*

PER CURIAM:*

The attorney appointed to represent Tymodreius Dae Quon Howell 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). Howell has filed a response, in which he requests either appointment of substitute counsel or permission to proceed pro se on appeal.

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

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The record is not sufficiently developed to allow us to make a fair evaluation of Howell'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). Moreover, Howell's requests to either receive substitute counsel or proceed pro se on appeal were made after counsel filed the *Anders* brief, and, therefore, they are untimely. *See United States v. Wagner*, 158 F.3d 901, 902-903 (5th Cir. 1998).

We have reviewed counsel's brief and the relevant portions of the record reflected therein, as well as Howell'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. Howell's motion to appoint substitute counsel and alternative motion to proceed pro se on appeal are DENIED.