

United States Court of Appeals for the Fifth Circuit

No. 23-10243
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

October 27, 2023

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

STEVE BOYCE THOMAS,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 1:22-CR-62-1

Before SMITH, HIGGINSON, and ENGELHARDT, *Circuit Judges.*

PER CURIAM:*

The attorney appointed to represent Steve Thomas has moved to withdraw and has filed a brief per *Anders v. California*, 386 U.S. 738 (1967), and *United States v. Flores*, 632 F.3d 229 (5th Cir. 2011). Thomas has filed a response. The record is not sufficiently developed for us to make a fair evaluation of Thomas's claim of ineffective assistance of counsel; we therefore decline to consider the claim without prejudice to collateral review. *See*

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

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United States v. Isgar, 739 F.3d 829, 841 (5th Cir. 2014).

We have reviewed counsel's brief, relevant portions of the record, and Thomas's response. We concur with counsel's assessment that the appeal presents no nonfrivolous issue for appellate review. Accordingly, the motion to withdraw is GRANTED, counsel is excused from further responsibilities herein, and the appeal is DISMISSED. *See* 5TH CIR. R. 42.2.