

# United States Court of Appeals for the Fifth Circuit

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No. 23-10642  
Summary Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**

February 5, 2024

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

*Plaintiff—Appellee,*

*versus*

MENA JABEEN,

*Defendant—Appellant.*

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 4:23-CR-28-2

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

PER CURIAM:\*

The attorney appointed to represent Mena Jabeen 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). Jabeen has submitted an out-of-time response. We construe this document as moving for leave to file an out-of-time response, and we GRANT the

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

No. 23-10642

motion. Accordingly, we have considered Jabeen's response. The record is not sufficiently developed to allow us to make a fair evaluation of Jabeen'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 brief and the relevant portions of the record reflected therein, as well as Jabeen'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.*