

United States Court of Appeals for the Fifth Circuit

No. 23-11152
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

October 31, 2024

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

LEROY MARQUEE JONES,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:23-CR-78-1

Before HAYNES, HIGGINSON, and DOUGLAS, *Circuit Judges.*

PER CURIAM:*

The attorney appointed to represent Leroy Marquee Jones has moved for leave to withdraw and has filed a brief in accordance with *Anders v. California*, 386 U.S. 738 (1967). Jones has filed a response and a motion to proceed pro se. To the extent Jones claims his plea was induced by an unfulfilled promise and ineffective assistance of counsel with respect to his

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

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plea, the record is not sufficiently developed to allow us to make a fair evaluation of these claims; we therefore decline to consider them without prejudice to collateral review. *See United States v. Corbett*, 742 F.2d 173, 176-78 n.11 (5th Cir. 1984); *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 Jones'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 and counsel is excused from further responsibilities herein. Jones' motion to proceed pro se is DENIED. *See United States v. Polanco-Ozorto*, 772 F.3d 1053, 1055 (5th Cir. 2014) (per curiam) (“[A] criminal defendant’s motion to proceed pro se on appeal will be denied if it is filed after the defendant’s counsel has filed an *Anders* brief, as such a request is invoked ‘too late.’”) (citation omitted). The appeal is DISMISSED. *See 5TH CIR. R. 42.2.*