

United States Court of Appeals
for the Fifth Circuit

No. 23-20518
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

June 25, 2024

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

DONNIES BURNETT,

Defendant—Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:21-CR-351-1

Before ELROD, OLDHAM, and WILSON, *Circuit Judges.*

PER CURIAM:*

The attorney appointed to represent Donnies Burnett 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). Burnett has filed a response. The record is not sufficiently developed to allow us to make a fair evaluation of Burnett's claims of ineffective assistance of

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

No. 23-20518

counsel, but for his ineffectiveness claim related to the nature of the charge related to count two; we therefore decline to consider the remaining claims without prejudice to collateral review. *See United States v. Corbett*, 742 F.2d 173, 176-78 (5th Cir. 1984); *see also 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 Burnett'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.*