

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

January 3, 2024

Lyle W. Cayce
Clerk

No. 23-40431
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

JOSE FRANCISCO OLVERA-RODRIGUEZ,

Defendant—Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 1:23-CR-196-1

Before KING, HAYNES, and GRAVES, *Circuit Judges.*

PER CURIAM:*

The Federal Public Defender appointed to represent Jose Francisco Olvera-Rodriguez 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). Olvera-Rodriguez has filed a response. The record is not sufficiently developed to allow us to make a fair evaluation

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

No. 23-40431

of Olvera-Rodriguez'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 Olvera-Rodriguez'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.