

# United States Court of Appeals for the Fifth Circuit

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No. 23-50214  
Summary Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**

February 16, 2024

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

*Plaintiff—Appellee,*

*versus*

HERMAN ZUBIA,

*Defendant—Appellant.*

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 7:22-CR-127-1

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Before JOLLY, JONES, and DOUGLAS, *Circuit Judges.*

PER CURIAM:\*

The attorney appointed to represent Herman Zubia 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). Zubia has filed a response. The record is not sufficiently developed to allow us to make a fair evaluation of his claims of ineffective assistance of counsel;

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

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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 Zubia'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.*