

# United States Court of Appeals for the Fifth Circuit

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No. 23-50265  
Summary Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**

November 9, 2023

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

*Plaintiff—Appellee,*

*versus*

OSWALDO ORDONEZ,

*Defendant—Appellant.*

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 3:21-CR-725-6

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Before WIENER, STEWART, and DOUGLAS, *Circuit Judges.*

PER CURIAM:\*

The attorney appointed to represent Oswaldo Ordonez 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). Ordonez has filed a response, in which he asserts a claim of ineffective assistance of trial counsel. The record is not sufficiently developed to allow

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

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us to make a fair evaluation of this claim, so we decline to consider it 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 Ordonez's response. We concur with counsel's assessment that the appeal presents no nonfrivolous issues for appellate review. The motion for leave to withdraw is therefore GRANTED, counsel is excused from further responsibilities herein, and the appeal is DISMISSED. *See* 5TH CIR. R. 42.2. To the extent that Ordonez seeks substitution of counsel, his motion is DENIED. *See United States v. Breeland*, 53 F.3d 100, 106 n.11 (5th Cir. 1995).