

United States Court of Appeals for the Fifth Circuit

No. 23-50643
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

April 15, 2024

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

ADRIAN CHRISTOPHER AGUILAR,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 5:19-CR-181-1

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

PER CURIAM:*

The Federal Public Defender appointed to represent Adrian Christopher Aguilar 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). Aguilar has filed a response. The record is not sufficiently developed to allow us to make a fair evaluation of

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

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Aguilar's claims of ineffective assistance of counsel and prosecutorial misconduct; 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); *United States v. Corbett*, 742 F.2d 173, 176–78 (5th Cir. 1984). We DENY Aguilar's request to seal his pro se response. *See S.E.C. v. Van Waeyenberghe*, 990 F.2d 845, 848 (5th Cir. 1993).

We have reviewed counsel's brief and the relevant portions of the record reflected therein, as well as Aguilar's response. We concur with counsel's assessment that the appeal presents no nonfrivolous issue for appellate review. Accordingly, the 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.