

United States Court of Appeals for the Fifth Circuit

No. 24-20511
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

May 12, 2025

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

ALEXANDER RUBEN FERNANDEZ,

Defendant—Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:21-CR-258-1

Before GRAVES, WILLETT, and WILSON, *Circuit Judges*.

PER CURIAM:*

The attorney appointed to represent Alexander Ruben Fernandez 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). Fernandez has filed a response incorporating a motion for appointment of new counsel. The record is not sufficiently developed to

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

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allow us to make a fair evaluation of Fernandez's claim of ineffective assistance of counsel; we therefore decline to consider the claim 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 Fernandez'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. Fernandez's motion for appointment of counsel is DENIED. *United States v. Wagner*, 158 F.3d 901, 902-03 (5th Cir. 1998).