

United States Court of Appeals for the Fifth Circuit

No. 24-30006
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

January 8, 2025

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

MARCO ANTONIO FILOS,

Defendant—Appellant.

Appeal from the United States District Court
for the Middle District of Louisiana
USDC No. 3:22-CR-68-4

Before SMITH, STEWART, and DUNCAN, *Circuit Judges.*

PER CURIAM:*

The attorney appointed to represent Marco Filos moves to withdraw and has filed a brief per *Anders v. California*, 386 U.S. 738 (1967), and *United States v. Flores*, 632 F.3d 229 (5th Cir. 2011). Filos has filed a response.

The record is not sufficiently developed to allow us to make a fair evaluation of Filos's claims of ineffective assistance of counsel; we therefore

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

No. 24-30006

decline to consider the claims, without prejudice to collateral review. *See United States v. Isgar*, 739 F.3d 829, 841 (5th Cir. 2014). Moreover, Filos's challenges to his sentence are barred by his valid appellate waiver. *See United States v. McKinney*, 406 F.3d 744, 746 (5th Cir. 2005); *United States v. Baty*, 980 F.2d 977, 979 (5th Cir. 1992).

We have reviewed counsel's brief, relevant portions of the record, and Filos's response. We concur with counsel's assessment that the appeal presents no nonfrivolous issue for appellate review. Accordingly, the motion to withdraw is GRANTED, counsel is excused from further responsibilities herein, and the appeal is DISMISSED. *See* 5TH CIR. R. 42.2.