

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 13-50833
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

September 18, 2014

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

DANIEL VILLEGAS-AGUILAR,

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Texas
USDC No. 2:12-CR-1748-1

Before PRADO, OWEN, and GRAVES, Circuit Judges.

PER CURIAM:*

The Federal Public Defender appointed to represent Daniel Villegas-Aguilar has moved for leave to withdraw and has filed briefs in accordance with *Anders v. California*, 386 U.S. 738 (1967), and *United States v. Flores*, 632 F.3d 229 (5th Cir. 2011). Villegas-Aguilar has filed responses. The record is not sufficiently developed to allow us to make a fair evaluation of Villegas-Aguilar's claim of ineffective assistance of counsel; we therefore decline to

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

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consider the claim without prejudice to collateral review. *See United States v. Isgar*, 739 F.3d 829, 841 (5th Cir. 2014), *petition for cert. filed* (June 4, 2014) (No. 13-10484).

We have reviewed counsel's brief and the relevant portions of the record reflected therein, as well as Villegas-Aguilar's responses. 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.