

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

No. 18-11004
Conference Calendar

United States Court of Appeals
Fifth Circuit

FILED

May 9, 2019

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff–Appellee,

versus

FERNANDO SILVERIO PANIAGUA,

Defendant–Appellant.

Appeals from the United States District Court
for the Northern District of Texas
No. 3:17-CR-629-1

Before HIGGINBOTHAM, SMITH, and HAYNES, Circuit Judges.

PER CURIAM:*

The attorney appointed to represent Fernando Silverio Paniagua has

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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moved for leave 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). Silverio Paniagua has filed a response and requests new appointed counsel. The record is not sufficiently developed to allow us to make a fair evaluation of Silverio Paniagua's claims of ineffective assistance of counsel; we therefore decline to consider the claims, but without prejudice to collateral review. See *United States v. Isgar*, 739 F.3d 829, 841 (5th Cir. 2014).

We have reviewed counsel's brief, relevant portions of the record, and Silverio Paniagua'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, the motion for new appointed counsel is DENIED, and the appeal is DISMISSED. See 5TH CIR. R. 42.2.