

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

No. 18-11165
Conference Calendar

United States Court of Appeals
Fifth Circuit

FILED
April 29, 2019
Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

GENE MEDINA,

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 2:18-CR-29-1

Before DAVIS, JONES, and DUNCAN, Circuit Judges.

PER CURIAM:*

The Federal Public Defender appointed to represent Gene Medina 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). Medina has filed untimely responses, which we construe as a motion for leave to file an out-of-time response. We have reviewed counsel's brief and the relevant portions of the record reflected therein, as well as

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

No. 18-11165

Medina's responses. The record is not sufficiently developed to allow us to make a fair evaluation of Medina'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 concur with counsel's assessment that the appeal presents no nonfrivolous issue for appellate review. Accordingly, counsel's motion for leave to withdraw is GRANTED, and counsel is excused from further responsibilities herein; Medina's motion for leave to file an out-of-time response is GRANTED; and this APPEAL IS DISMISSED. *See* 5TH CIR. R. 42.2.