

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

United States Court of Appeals
Fifth Circuit

FILED

April 8, 2019

Lyle W. Cayce
Clerk

No. 18-40471

Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

MARCUS PIZANA,

Defendant-Appellant

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 5:17-CR-1-1

Before HIGGINSON, COSTA, and HO, Circuit Judges.

PER CURIAM:*

The attorney appointed to represent Marcus Pizana 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). Pizana has filed a response. The record is not sufficiently developed to allow us to make a fair evaluation of Pizana's claims of ineffective assistance of

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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counsel; we therefore decline to consider the claims 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 Pizana's response. 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, counsel is excused from further responsibilities herein, and the APPEAL IS DISMISSED. *See* 5TH CIR. R. 42.2. Pizana's pro se motion for leave to supplement counsel's *Anders* brief, which is construed as a motion to file an untimely pro se response, is GRANTED. Pizana's pro se motions to strike counsel's *Anders* brief, for leave to proceed pro se, and for an extension of time to file a pro se brief are DENIED.