

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

No. 18-50628
Conference Calendar

United States Court of Appeals
Fifth Circuit

FILED

May 22, 2019

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

ANDRES LUJAN-TERRAZAS, JR., also known as Andres Lujan-Terasas, Jr.,

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Texas
USDC No. 4:17-CR-353-2

Before HIGGINBOTHAM, SMITH, and HAYNES, Circuit Judges.

PER CURIAM:*

The attorney appointed to represent Andres Lujan-Terrazas, Jr., 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). Lujan-Terrazas has filed a response. The record is not sufficiently developed to allow us to make a fair evaluation of Lujan-Terrazas's claims of ineffective assistance of counsel; we therefore decline to consider the claims

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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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 Lujan-Terrazas'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, and the APPEAL IS DISMISSED. *See* 5TH CIR. R. 42.2. Lujan-Terrazas's motion to substitute his response for counsel's *Anders* brief is DENIED. *See United States v. Ogbonna*, 184 F.3d 447, 449 n.1 (5th Cir. 1999); *United States v. Wagner*, 158 F.3d 901, 902-03 (5th Cir. 1998).