

# United States Court of Appeals for the Fifth Circuit

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No. 22-10865  
Summary Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**

August 18, 2023

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

*Plaintiff—Appellee,*

*versus*

PAUL HENRY MAYBERRY,

*Defendant—Appellant.*

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 3:21-CR-207-1

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Before JONES, GRAVES, and HO, *Circuit Judges.*

PER CURIAM:\*

The Federal Public Defender appointed to represent Paul Henry Mayberry 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). Mayberry has filed a response. Among other

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\* Pursuant to 5th Circuit Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5th Circuit Rule 47.5.4.

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things, he appears to suggest that he received ineffective assistance of counsel in the district court. Because the record is not sufficiently developed to allow us to make a fair evaluation of this claim, we decline to consider it without prejudice to collateral review. *See United States v. Isgar*, 739 F.3d 829, 841 (5th Cir. 2014). To the extent Mayberry moves for the appointment of substitute counsel, the motion is DENIED. *See United States v. Wagner*, 158 F.3d 901, 902-03 (5th Cir. 1998).

We have reviewed counsel's brief and the relevant portions of the record reflected therein, as well as Mayberry'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.*