

United States Court of Appeals
for the Fifth Circuit

No. 22-20453
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

June 26, 2023

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

DENNIS MATUTE-CARCAMO,

Defendant—Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:19-CR-494-2

Before JONES, DUNCAN, and WILSON, *Circuit Judges.*

PER CURIAM:*

The attorney appointed to represent Dennis Matute-Carcamo 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). Matute-Carcamo has filed a response and a motion requesting the appointment of new counsel. The record is not sufficiently

* This opinion is not designated for publication. See 5TH CIR. R. 47.5.

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developed to allow us to make a fair evaluation of Matute-Carcamo's claims of ineffective assistance of 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). His motion for appointment of new counsel is DENIED as untimely. *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 Matute-Carcamo'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.