

United States Court of Appeals for the Fifth Circuit

No. 22-50195
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

March 28, 2023

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

JAMES ALEXANDER WINSTEAD,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 7:21-CR-231-2

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

PER CURIAM:*

The attorney appointed to represent James Alexander Winstead 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). Winstead has filed a response. To the extent that Winstead attempts to raise a claim of ineffective assistance of counsel, the record is not

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

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sufficiently developed to allow us to make a fair evaluation of Winstead's claim; 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 have reviewed counsel's brief and the relevant portions of the record reflected therein, as well as Winstead'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.*