

United States Court of Appeals for the Fifth Circuit

No. 22-50497
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

July 18, 2023

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

AGUEDO RUBIO,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 7:21-CR-351-1

Before WIENER, ELROD, and ENGELHARDT, *Circuit Judges.*

PER CURIAM:*

The attorney appointed to represent Defendant-Appellant Aguedo Rubio 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), to which Rubio has filed a response. The record is not sufficiently developed to allow us to make a fair evaluation of Rubio's

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

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claims of ineffective assistance of counsel, so we 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 Rubio's response. We concur with counsel's assessment that the appeal presents no nonfrivolous issue for appellate review. Counsel's motion for leave to withdraw is GRANTED; counsel is excused from further responsibilities herein; and the Rubio's appeal is DISMISSED. *See* 5TH CIR. R. 42.2.