

United States Court of Appeals for the Fifth Circuit

No. 23-10203
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

November 13, 2023

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

BRYAN OKEEIF THOMAS,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 1:22-CR-62-2

Before WIENER, STEWART, and DOUGLAS, *Circuit Judges.*

PER CURIAM:*

The attorney appointed to represent Bryan OkeEIF Thomas 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). Thomas has filed a response. The record is not sufficiently developed to allow us to make a fair evaluation of Thomas's claims of

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

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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).

We have reviewed counsel's brief and the relevant portions of the record reflected therein, as well as Thomas'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. Thomas's motion for the appointment of new counsel is DENIED as untimely. *See United States v. Wagner*, 158 F.3d 901, 902-03 (5th Cir. 1998).