

United States Court of Appeals for the Fifth Circuit

No. 23-10300
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

December 21, 2023

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

ORLANDO LEWAYNE PILCHER,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:22-CR-104-1

Before ELROD, OLDHAM, and WILSON, *Circuit Judges.*

PER CURIAM:*

The Federal Public Defender appointed to represent Orlando Lewayne Pilcher 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). Pilcher has filed responses and moved for leave to file an out of time response.

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

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We have reviewed counsel's brief and the relevant portions of the record reflected therein, as well as Pilcher's responses and motions. We concur with counsel's assessment that the appeal presents no nonfrivolous issue for appellate review. Additionally, the record is not sufficiently developed to allow us to make a fair evaluation of Pilcher'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).

Accordingly, while Pilcher's motions to file his out of time responses are GRANTED, the motion for leave to withdraw is also GRANTED and counsel is excused from further responsibilities herein, and the appeal is DISMISSED. *See 5TH CIR. R. 42.2.*