

United States Court of Appeals for the Fifth Circuit

No. 23-20261
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED
November 26, 2024
Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

JOSEPH COHEN,

Defendant—Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:19-CR-719-12

Before SMITH, STEWART, and DUNCAN, *Circuit Judges*.

PER CURIAM:*

The attorney appointed to represent Joseph Cohen has moved for leave to withdraw and has filed briefs in accordance with *Anders v. California*, 386 U.S. 738 (1967), and *United States v. Flores*, 632 F.3d 229 (5th Cir. 2011). Cohen has filed responses, as well as a motion seeking appointment of substitute counsel or leave to proceed pro se. 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 Cohen's claims of ineffective assistance of counsel and of breach of his plea agreement; 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); *United States v. Corbett*, 742 F.2d 173, 177-78 & n.10 (5th Cir. 1984).

We have reviewed counsel's briefs and the relevant portions of the record reflected therein, as well as Cohen's responses. 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. Cohen's motion for appointment of counsel or leave to proceed pro se is DENIED. *See* FIFTH CIRCUIT PLAN UNDER THE CRIMINAL JUSTICE ACT § 5(B).