

United States Court of Appeals  
for the Fifth Circuit

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No. 23-20558  
Summary Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**

April 1, 2024

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

*Plaintiff—Appellee,*

*versus*

MARVIEON SIMIEN,

*Defendant—Appellant.*

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 4:23-CR-73-1

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Before DAVIS, HO, and RAMIREZ, *Circuit Judges.*

PER CURIAM:\*

The Federal Public Defender appointed to represent Marvieron Simien 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). Simien has filed a response. The record is not sufficiently developed to allow us to make a fair evaluation of Simien's claims

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

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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).

We have reviewed counsel's brief and the relevant portions of the record reflected therein, as well as Simien'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.