

United States Court of Appeals for the Fifth Circuit

No. 23-40201
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

June 14, 2024

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

MANUEL ENRIQUE AYALA RODRIGUEZ,

Defendant—Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 5:20-CR-786-10

Before SMITH, HIGGINSON, and ENGELHARDT, *Circuit Judges.*

PER CURIAM:*

The attorney appointed to represent Manuel Ayala Rodriguez has moved to withdraw and has filed a brief per *Anders v. California*, 386 U.S. 738 (1967), and *United States v. Flores*, 632 F.3d 229 (5th Cir. 2011). Ayala Rodriguez has filed a response.

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

No. 23-40201

The record is not sufficiently developed to allow us to make a fair evaluation of Ayala Rodriguez's claims of ineffective assistance of counsel and prosecutorial misconduct; we therefore decline to consider the claims, but 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, 176–78 (5th Cir. 1984).

We have reviewed counsel's brief, relevant portions of the record, and Ayala Rodriguez's response. We concur with counsel's assessment that the appeal presents no nonfrivolous issue for appellate review.

Accordingly, the motion to appoint new counsel is DENIED, the motion to withdraw is GRANTED, counsel is excused from further responsibilities herein, and the appeal is DISMISSED. *See* 5TH CIR. R. 42.2.