

United States Court of Appeals
for the Fifth Circuit

No. 23-40380
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED
December 12, 2023

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

MARLON RANDO LEE,

Defendant—Appellant.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 4:20-CR-295-1

Before KING, HAYNES, and GRAVES, *Circuit Judges.*

PER CURIAM:*

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

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

No. 23-40380

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 Lee's response. We concur with counsel's assessment that the appeal presents no nonfrivolous issue for appellate review. Accordingly, counsel's 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.*