

United States Court of Appeals
for the Fifth Circuit

No. 23-50175
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

March 27, 2024

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

JOSE MIGUEL SANDOVAL-PINEDA,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 5:20-CR-601-1

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

PER CURIAM:*

The attorney appointed to represent Jose Miguel Sandoval-Pineda 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). Sandoval-Pineda has filed a response. The record is not sufficiently developed to allow us to make a fair evaluation of Sandoval-

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

No. 23-50175

Pineda'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).

We have otherwise reviewed counsel's brief and the relevant portions of the record reflected therein, as well as Sandoval-Pineda'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*. Sandoval-Pineda's motion for the appointment of substitute counsel is DENIED as untimely. *See United States v. Wagner*, 158 F.3d 901, 902-03 (5th Cir. 1998).

We note that there is a clerical error in the written judgment. It lists 18 U.S.C. § 844(2) as one of the violated statutory provisions for count six instead of 18 U.S.C. § 2. Accordingly, we REMAND for the limited purpose of correction of that clerical error in the written judgment in accordance with Federal Rule of Criminal Procedure 36.