

United States Court of Appeals for the Fifth Circuit

No. 24-30183
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

October 11, 2024

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

CLARENCE BURKETTE,

Defendant—Appellant.

Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. 2:21-CR-188-1

Before GRAVES, WILLETT, and WILSON, *Circuit Judges*.

PER CURIAM:*

The attorney appointed to represent Clarence Burkette 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). Burkette has filed a response. To the extent that he may be alleging ineffective assistance of counsel, the record is not sufficiently developed to

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

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allow us to make a fair evaluation of that claim; we therefore decline to consider the claim 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 Burkette'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.