

United States Court of Appeals for the Fifth Circuit

No. 24-40147
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED
October 3, 2024

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

SALVADOR LERMA-GARCIA,

Defendant—Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 1:23-CR-697-1

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

PER CURIAM:*

The Federal Public Defender appointed to represent Salvador Lerma-Garcia 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). Lerma-Garcia has filed a response, in which he, *inter alia*, requests the appointment of new counsel. That motion is

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

No. 24-40147

DENIED. *See United States v. Wagner*, 158 F.3d 901, 902–03 (5th Cir. 1998). Further, to the extent that Lerma-Garcia raises a claim of ineffective assistance of counsel, the record is insufficiently developed for this court to review such a claim in this direct appeal. *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 Lerma-Garcia’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.*