

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

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No. 16-40197  
Summary Calendar

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United States Court of Appeals  
Fifth Circuit  
**FILED**  
September 16, 2016  
Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

SERGIO GALVAN-PUENTE,

Defendant-Appellant

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 5:15-CR-818-1

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Before JONES, WIENER, and CLEMENT, Circuit Judges.

PER CURIAM:\*

The Federal Public Defender appointed to represent Sergio Galvan-Puente 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). Galvan-Puente has filed a response.

We have reviewed counsel's brief and the relevant portions of the record reflected therein, as well as Galvan-Puente's response. Although Galvan-

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

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Puente signed a document entitled “Decision Regarding My Appeal,” in which he stated that he wished to appeal only his sentence, we have reviewed the validity of both the conviction and sentence. We concur with counsel’s assessment that the appeal presents no nonfrivolous issue for appellate review.

The record is not sufficiently developed to allow us to make a fair evaluation of Galvan-Puente’s claims of ineffective assistance of counsel unrelated to the “Decision Regarding My Appeal”; we therefore decline to consider those claims without prejudice to collateral review. *See United States v. Isgar*, 739 F.3d 829, 841 (5th Cir. 2014).

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.*