

United States Court of Appeals  
for the Fifth Circuit

United States Court of Appeals  
Fifth Circuit

**FILED**

June 2, 2021

Lyle W. Cayce  
Clerk

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No. 19-40126  
Conference Calendar

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UNITED STATES OF AMERICA,

*Plaintiff—Appellee,*

*versus*

ESMIR COLORADO-CUERO,

*Defendant—Appellant.*

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Appeal from the United States District Court  
for the Eastern District of Texas  
USDC No. 1:18-CR-63-1

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

PER CURIAM:\*

The attorney appointed to represent Esmir Colorado-Cuero 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). Colorado-Cuero has filed a response and has moved for

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\* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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appointment of new counsel. The record is not sufficiently developed to allow us to make a fair evaluation of Colorado-Cuero's claim of ineffective assistance of counsel; 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). Because Colorado-Cuero moved for the appointment of counsel after the filing of counsel's initial *Anders* brief, the motion is DENIED as untimely. *See United States v. Wagner*, 158 F.3d 901, 902-03 (5th Cir. 1998) (holding that a motion to proceed pro se filed after an *Anders* brief was untimely).

We have reviewed counsel's brief and the relevant portions of the record reflected therein, as well as Colorado-Cuero'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.