

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

January 26, 2021

Lyle W. Cayce
Clerk

No. 20-20054
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

FRANK CHANEY,

Defendant—Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:18-CR-672-3

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

PER CURIAM:*

The attorney appointed to represent Frank Chaney 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). Chaney has filed a response. To the extent Chaney raises a claim of

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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ineffective assistance of counsel, the record is not sufficiently developed to allow us to make a fair evaluation of the claim; we therefore decline to consider it 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 Chaney'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*. To the extent Chaney moves for the appointment of substitute counsel, the motion is DENIED. *See United States v. Wagner*, 158 F.3d 901, 902-03 (5th Cir. 1998).