

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

January 11, 2021

Lyle W. Cayce
Clerk

No. 20-40217
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

LUIS ARNOLDO CURIEL-TREVINO,

Defendant—Appellant.

Appeal from the United States District Court
for the Southern District of Texas
No. 7:19-CR-1488-1

Before SMITH, STEWART, and HIGGINSON, *Circuit Judges.*

PER CURIAM:*

The attorney appointed to represent Luis Curiel-Trevino has moved to withdraw and has filed a brief per *Anders v. California*, 386 U.S. 738 (1967), and *United States v. Flores*, 632 F.3d 229 (5th Cir. 2011). Curiel-Trevino has filed a response. The record is not sufficiently developed to allow us to make

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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a fair evaluation of Curiel-Trevino'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).

We have reviewed counsel's brief, relevant portions of the record, and Curiel-Trevino's response. We concur with counsel's assessment that the appeal presents no nonfrivolous issue for appellate review. Accordingly, the motion to withdraw is GRANTED, counsel is excused from further responsibilities herein, and the appeal is DISMISSED. *See* 5TH CIR. R. 42.2. Curiel-Trevino's motion for leave to file an out-of-time supplemental response or for a stay is DENIED.