

United States Court of Appeals  
for the Fifth Circuit

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No. 21-10174  
Summary Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**  
February 10, 2022

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

*Plaintiff—Appellee,*

*versus*

CATRELL TYWARREN JOHNSON,

*Defendant—Appellant.*

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 3:19-CR-306-1

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Before JOLLY, WILLETT, and ENGELHARDT, *Circuit Judges.*

PER CURIAM:\*

The attorney appointed to represent Catrell Tywarren Johnson 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). Johnson's motion for leave to file an out-of-time response is

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\* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

No. 21-10174

GRANTED. Johnson's motion for this court to reject counsel's *Anders* brief and appoint new counsel is DENIED as untimely because it was made after counsel filed his motion to withdraw and *Anders* brief. *See United States v. Wagner*, 158 F.3d 901, 902-03 (5th Cir. 1998).

The record is not sufficiently developed to allow us to make a fair evaluation of Johnson's claims of ineffective assistance of counsel; we therefore decline to consider the claims 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 Johnson's response. We concur with counsel's assessment that the appeal presents no nonfrivolous issue for appellate review. 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.