

United States Court of Appeals for the Fifth Circuit

No. 22-50142
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

January 11, 2023

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

HARRY COLE,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 1:18-CR-333-1

Before SMITH, SOUTHWICK, and DOUGLAS, *Circuit Judges.*

PER CURIAM:*

The attorney appointed to represent Harry Cole 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). Cole has filed a response. The record is not sufficiently developed to allow us to make a fair evaluation of Cole's claim of ineffective assistance of

* This opinion is not designated for publication. See 5TH CIR. R. 47.5.

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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 and the relevant portions of the record reflected therein, as well as Cole's response. We concur with counsel's assessment that the appeal presents no nonfrivolous issue for appellate review. We interpret Cole's response as including a motion to appoint new counsel. Because Cole was provided counsel on this appeal who fully complied with his responsibilities to represent him, we DENY the motion to appoint another counsel. 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.*