

United States Court of Appeals for the Fifth Circuit

No. 25-40158
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

October 21, 2025

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

JAMES DERR,

Defendant—Appellant.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 6:23-CR-60-1

Before STEWART, GRAVES, and OLDHAM, *Circuit Judges*.

PER CURIAM:*

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

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

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counsel or his claim that his guilty plea was based on an unkept promise; 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); *United States v. Corbett*, 742 F.2d 173, 177-78 & n.11 (5th Cir. 1984).

We have reviewed counsel's brief and the relevant portions of the record reflected therein, as well as Derr'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. Derr's motion for appointment of substitute counsel is DENIED. *See United States v. Wagner*, 158 F.3d 901, 902-03 (5th Cir. 1998).