

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

March 16, 2022

Lyle W. Cayce
Clerk

No. 19-10462
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

LUIS ARTURO CALDERON,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Texas
No. 3:18-CR-81-1

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

PER CURIAM:*

The attorney appointed to represent Luis Calderon 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). Calderon has filed a response. We treat the response as containing a motion for leave to file an

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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out-of-time response and a motion to exceed the page limit, both of which are GRANTED.

We have reviewed counsel's brief, relevant portions of the record, Calderon's response, and other filings. The record is not sufficiently developed to allow us to make a fair evaluation of Calderon's claim of ineffective assistance of counsel; we therefore decline to consider the claim but without prejudice to collateral review. *See United States v. Isgar*, 739 F.3d 829, 841 (5th Cir. 2014).

We concur with counsel's assessment that the appeal presents no non-frivolous 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.