

United States Court of Appeals for the Fifth Circuit

No. 22-10948
Summary Calendar

United States Court of Appeals
Fifth Circuit
FILED
September 27, 2023

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

DAMIEN DRE GONZALES,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 5:21-CR-76-1

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

PER CURIAM:*

The attorney appointed to represent Damien Dre Gonzales 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). Gonzales has filed a response. He also filed two supplemental

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

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responses, which are each construed a motion for leave to file a supplemental response and are GRANTED.

The record is not sufficiently developed to allow us to make a fair evaluation—on direct appeal—of Gonzales’s claims of coercion, unkept promises, and ineffective assistance of counsel. Such claims are more appropriately raised in a 28 U.S.C. § 2255 motion to vacate. Accordingly, we decline to consider these 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, 175-78 & n.11 (5th Cir. 1984).

Otherwise, we have reviewed counsel’s brief and the relevant portions of the record reflected therein, as well as Gonzales’s responses. 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.