

No. _____
(Not yet assigned)

IN THE
SUPREME COURT OF THE UNITED STATES

Ashley Renee Cagle — PETITIONER
(Your Name) No. 32785177

VS.

United States District Court ~~for~~ the Eastern District of TX — Sherman District
+
United States Court of Appeals (5th Circuit) — RESPONDENT(S)
No. 23-40416

PROOF OF SERVICE

I, Ashley Renee Cagle, do swear or declare that on this date, _____, 20____, as required by Supreme Court Rule 29 I have served the enclosed MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS and PETITION FOR A WRIT OF CERTIORARI on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within 3 calendar days.

The names and addresses of those served are as follows:

US Attorney Thomas Gibson 101 E. Park Blvd #500
Plano TX 75074
US Court of Appeals for the 5th Circuit 600 S. Maestri Place
New Orleans, LA 70130-3408

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 1st, 2024

Ashley Cagle
(Signature)

United States Court of Appeals
for the Fifth Circuit

No. 23-40416
Summary Calendar

United States Court of Appeals
Fifth Circuit
FILED
February 9, 2024
Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

ASHLEY RENEE CAGLE,

Defendant—Appellant.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 4:22-CR-126-1

Before JUSTICE, SOUTHWICK, and HO, Circuit Judges.

PER CURIAM:

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

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

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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 Cagle'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.

Appendix A