

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 17-40176
Conference Calendar

United States Court of Appeals
Fifth Circuit

FILED

December 20, 2017

UNITED STATES OF AMERICA,

Lyle W. Cayce
Clerk

Plaintiff-Appellee

v.

KEITH NICHOLAS OSER,

Defendant-Appellant

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 4:15-CR-212-1

Before JONES, DENNIS, and GRAVES, Circuit Judges.

PER CURIAM:*

The attorney appointed to represent Keith Nicholas Oser 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). Oser has filed a response.

The record is not sufficiently developed to allow us to make a fair evaluation of Oser's claims of ineffective assistance of counsel. See *United States v. Isgar*, 739 F.3d 829, 841 (5th Cir. 2014). Nor is the record sufficiently

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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developed for us to address Oser's contention that his guilty plea was coerced. *See United States v. Corbett*, 742 F.2d 173, 176-78 (5th Cir. 1984). We therefore decline to consider the claims without prejudice to collateral review. *See Isgar*, 739 F.3d at 841; *Corbett*, 742 F.2d at 178 n.11.

We have reviewed counsel's brief and the relevant portions of the record reflected therein, as well as Oser'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.

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J U D G M E N T

This cause was considered on the record on appeal and the briefs on file.

It is ordered and adjudged that the appeal is dismissed as frivolous.



Certified as a true copy and issued
as the mandate on Jan 11, 2018

Attest:

Lyle W. Cayce
Clerk, U.S. Court of Appeals, Fifth Circuit

RECEIVED JANUARY 17, 2018

**Additional material
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Clerk's Office.**