

July 13, 2007

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 06-51474
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

TERRY DIAL,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 7:06-CR-142-2

Before DAVIS, BARKSDALE and BENAVIDES, Circuit Judges.

PER CURIAM:*

Terry Dial appeals his guilty-plea conviction for aiding and abetting in the possession of pseudoephedrine to manufacture methamphetamine in violation of 21 U.S.C. § 841(c)(2) and 18 U.S.C. § 2. Dial argues that trial counsel was ineffective, during rearraignment, for withdrawing Dial's motion to suppress evidence seized from his tent.

As a general rule, we decline to review claims of ineffective assistance of counsel on direct appeal, although we may do so in exceptional cases. See United States v. Higdon,

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

832 F.2d 312, 313-14 (5th Cir. 1987). This is not such a case. Accordingly, we decline to review Dial's ineffective assistance claim in this direct appeal. The judgment of the district court is affirmed without prejudice to Dial's right to raise an ineffective assistance claim in a motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255. We express no view on the merits of such a motion.

AFFIRMED.