

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 00-40450
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JACOBO MENDOZA,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. M-98-CR-182-1

- - - - -
February 13, 2001

Before SMITH, BARKSDALE, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:*

Jacobo Mendoza appeals from his guilty-plea conviction for possession with intent to distribute cocaine. He argues on appeal that his counsel rendered ineffective assistance by failing: (1) to object to a factual inaccuracy in the PSR and to move for a downward departure pursuant to U.S.S.G. § 5C1.2; and (2) to move for a downward departure based on Mendoza's age and poor physical health.

This court generally does not review ineffective-assistance-of-counsel claims on direct appeal unless such claims were first

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

raised in district court or the record is adequately developed to permit review. See United States v. Bounds, 943 F.2d 541, 544 (5th Cir. 1991). The instant claims were not raised in district court, and the record is not sufficient to warrant our review in the instant appeal. The instant appeal is therefore DISMISSED without prejudice to Mendoza's right to raise the instant claims in a motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255.

APPEAL DISMISSED.