

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 00-40498
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

HENRIQUE PEREZ, also known as Henry Perez,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. C-99-CR-332-1

December 20, 2000

Before SMITH, BENAVIDES, and DENNIS, Circuit Judges.

PER CURIAM:*

Henrique Perez appeals his sentences for conspiracy possess with the intent to distribute more than 1000 kilograms of marijuana and conspiracy to launder money. Perez contends that he received ineffective assistance of counsel because his retained attorney did not investigate or file objections to the Presentence Investigation Report's (PSR) calculation of relevant conduct. He also contends that the district court erred in determining that Perez failed to establish "good cause" for

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

purposes of raising an untimely relevant conduct objection to the PSR.

Because the record is not adequately developed, we decline to review Perez' ineffective assistance claim. United States v. Bounds, 943 F.2d 541, 544 (5th Cir. 1991). Perez may raise this claim in a 28 U.S.C. § 2255 motion.

Upon a de novo review of the record, we find that the district court properly exercised its discretion in determining that Perez failed to establish "good cause" for purposes of raising an untimely relevant conduct objection to the PSR. United States v. Myers, 150 F.3d 459, 465 (5th Cir. 1998); United States v. Young, 140 F.3d 453, 457 (2d Cir. 1998).

AFFIRMED.