

April 11, 2006

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 05-40876
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ANTONIO QUIROGA,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 2:05-CR-16-ALL

Before JONES, Chief Judge, and JOLLY and DAVIS, Circuit Judges.

PER CURIAM:*

Antonio Quiroga appeals following his conviction for possession of 118 kilograms of marijuana with intent to distribute. Quiroga argues that counsel rendered ineffective assistance for failing to file a motion to suppress, failing to object to hearsay evidence, and failing to object to evidence concerning Quiroga's silence following his arrest.

As a general rule, this court declines to review claims of ineffective assistance of counsel on direct appeal, although we

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

may do so in exceptional cases. United States v. Higdon, 832 F.2d 312, 313-14 (5th Cir. 1987). This is not the exceptional case. Accordingly, we decline to review Quiroga's ineffective assistance claims in this direct appeal. The judgment of the district court is affirmed without prejudice to Quiroga's right to raise them 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.