

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-20864
(Summary Calendar)

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

RAYMOND DALE SMITH,

Defendant-Appellant.

Appeal from United States District Court
for the Southern District of Texas
(CR-H-95-9)

August 14, 1996

Before DAVIS, EMILIO M. GARZA, and STEWART, Circuit Judges.

PER CURIAM:*

Raymond Dale Smith appeals his conviction and sentence for possession of a firearm by a felon. We reject Smith's argument that evidence should have been suppressed. The affidavit supporting the search warrant was not so lacking in indicia of probable cause as to render official belief in its existence entirely unreasonable. United States v. Satterwhite, 980 F.2d 317, 320 (5th Cir. 1992); see United States v. Brown, 941 F.2d 1300, 1303-04 (5th Cir.), cert. denied, 502 U.S. 1008

*Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

(1991). We decline to address Smith's allegations of ineffective assistance of counsel because he did not present them to the district court; thus, the record is inadequate to evaluate the merits of the claim. United States v. Higdon, 832 F.2d 312, 313-14 (5th Cir. 1987), cert. denied, 484 U.S. 1075 (1988). The district court did not clearly err by denying Smith a reduction in offense level for acceptance of responsibility. United States v. Gonzalez, 19 F.3d 982, 983 (5th Cir.), cert. denied, 115 S. Ct. 229 (1994).

AFFIRMED.