

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 96-50561  
(Summary Calendar)

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

BENNIE MOSS, also known as  
Betty Roberson,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Western District of Texas  
(USDC No. SA-95-CR-148-9)  
- - - - -

March 14, 1997

Before HIGGINBOTHAM, WIENER and BENAVIDES, Circuit Judges.

PER CURIAM:\*

Bennie Walker Moss, a/k/a Betty Roberson, appeals from her conviction by guilty plea of possession with intent to distribute more than five grams of cocaine base. Moss contends that the district court erred by denying her motion to withdraw her guilty plea.

We have reviewed the record and the briefs of the parties and

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\* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

we find that the district court did not abuse its discretion by denying Moss' motion to withdraw her plea. United States v. Carr, 740 F.2d 339, 343-44 (5th Cir. 1984). The record is not sufficiently developed to properly evaluate Moss' claim of ineffective assistance of counsel. Accordingly, we affirm Moss' conviction and sentence without prejudice to Moss' right to assert her ineffective-assistance-of-counsel claims in a 28 U.S.C. § 2255 proceeding.

AFFIRMED.