

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

April 7, 2011

Lyle W. Cayce
Clerk

No. 10-50596
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

EDWIN KIEFE SANDERS,

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Texas
USDC No. 3:10-CR-370-1

Before REAVLEY, DENNIS, and CLEMENT, Circuit Judges.

PER CURIAM:*

Edwin Kiefe Sanders appeals from his guilty plea conviction on one count of possession of material involving the sexual exploitation of children. He contends that his conviction should be set aside because his trial counsel rendered ineffective assistance by failing to file a motion to suppress and by failing to request that the district court appoint a psychiatrist to evaluate his competence to plead guilty.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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As a general rule, this court will not consider an ineffective-assistance-of-counsel claim that was not raised in district court. *United States v. Higdon*, 832 F.2d 312, 313-14 (5th Cir. 1987). Moreover, the Supreme Court has emphasized that a 28 U.S.C. § 2255 motion is the preferred method for raising a claim of ineffective assistance of counsel. *Massaro v. United States*, 538 U.S. 500, 503-04 (2003). As the record for this case is not sufficiently developed to qualify for an exception to that general rule, we decline to consider Sanders's claim of ineffective assistance of counsel in this appeal without prejudice to his ability to raise this claim in a § 2255 motion.

The judgment of the district court is AFFIRMED.