

April 23, 2003

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 02-20309
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

MARTIN COMPEAN-PORTALES,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-01-CR-790-ALL

Before DAVIS, BARKSDALE, and STEWART, Circuit Judges.

PER CURIAM:*

Martin Compean-Portales (Compean) appeals his conviction and the sentence he received after he pleaded guilty to reentry into the United States after having been convicted of an aggravated felony. Compean argues that he received the ineffective assistance of counsel. Because the record is insufficiently developed to permit this court to fairly evaluate his claim on direct appeal, we decline to resolve the issue. United States v. Haese, 162 F.3d 359, 363 (5th Cir. 1998). We do so without

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

prejudice, so that Compean retains the right to dispute his counsel's effectiveness collaterally. United States v. Palmer, 122 F.3d 215, 221-22 (5th Cir. 1997).

AFFIRMED.