

April 28, 2003

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 02-30640
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

BILLY WRAY WITHAM,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 01-CR-30028-ALL

Before JONES, STEWART and DENNIS, Circuit Judges:

PER CURIAM:*

Billy Wray Witham was convicted on two counts of drug felony charges and one enhancement count for two prior drug felony convictions. Witham received a life sentence. Witham argues on appeal that his counsel rendered ineffective assistance by failing to inform him of the mandatory life imprisonment penalty prescribed by the enhancement count. Witham contends that but for counsel's omission, he would have pleaded 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

This court generally does not review ineffective-assistance-of-counsel claims on direct appeal unless such claims were first raised in district court or the record is adequately developed to permit review. See United States v. Bounds, 943 F.2d 541, 544 (5th Cir. 1991). The instant claim was not raised in district court, and the record is not sufficient to warrant our review in the instant appeal. The instant appeal is therefore DISMISSED without prejudice to Witham's right to raise the instant claims in a motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255.

APPEAL **DISMISSED**.