

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

United States Court of Appeals
Fifth Circuit

FILED

October 26, 2009

Charles R. Fulbruge III
Clerk

No. 07-41246
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

FERNANDO BANDA,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 5:07-CR-308-2

Before KING, STEWART and HAYNES, Circuit Judges.

PER CURIAM:*

Fernando Banda appeals his conviction on five counts related to the transport of illegal aliens under 8 U.S.C. § 1324. He asserts that he received ineffective assistance of counsel because counsel failed to move to suppress the fruits of an unconstitutional search and seizure. We review an ineffective assistance claim on direct appeal “only when it was raised before the district court and the record provides sufficient details for review.” *United States v.*

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Puckett, 505 F.3d 377, 387 (5th Cir. 2007), *aff'd in part on other grounds*, 129 S. Ct. 1423, 1428 (2009). Because Banda did not raise his claim in the district court, we decline to review it. *See id.* The judgment of the district court is AFFIRMED.