

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

United States Court of Appeals
Fifth Circuit

FILED

April 26, 2012

Lyle W. Cayce
Clerk

No. 11-50424
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

LIDIO RESENDEZ-GUERRERO, also known as Juan M. Castillo-Lopez, also known as Juan Casdtillo-Lopez,

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Texas
USDC No. 5:10-CR-992-1

Before BENAVIDES, STEWART, and HIGGINSON, Circuit Judges.

PER CURIAM:*

Lidio Resendez-Guerrero (Resendez) appeals from his conviction for illegal reentry pursuant to 8 U.S.C. § 1326(a) and (b)(2). His argument that his conviction must be vacated because neither the indictment nor the factual basis for his guilty plea mentioned that he had committed a prior aggravated felony is foreclosed and presents no legitimate basis for appeal. *See United States v. Pineda-Arrellano*, 492 F.3d 624, 625 (5th Cir. 2007). We decline to consider his

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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ineffective assistance of counsel claims because he did not raise them in the district court, the claims are premised upon evidence not contained in the record, and the record is not sufficiently developed for this court to consider the claims. *See United States v. Cantwell*, 470 F.3d 1087, 1091 (5th Cir. 2006); *United States v. Navejar*, 963 F.2d 732, 735 (5th Cir. 1992).

AFFIRMED.