

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

No. 14-50032
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

March 9, 2015

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

ARTURO CASAS,

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Texas
USDC No. 3:12-CR-976

Before HIGGINBOTHAM, JONES, and HIGGINSON, Circuit Judges.

PER CURIAM:*

Arturo Casas was convicted of conspiring to knowingly possess stolen firearms, knowing possession of stolen firearms, and being a felon in possession of a firearm. On appeal, he contends for the first time that his trial counsel provided ineffective assistance by failing to object to certain offense level calculations and failing to advise the district court about mitigating factors such as his hearing loss, memory loss, and dementia.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

No. 14-50032

“We have held that ‘Sixth Amendment claims of ineffective assistance of counsel should not be litigated on direct appeal, unless they were previously presented to the trial court.’” *United States v. Aguilar*, 503 F.3d 431, 436 (5th Cir. 2007) (quoting *United States v. Partida*, 385 F.3d 546, 568 (5th Cir. 2004)). Only in rare cases, when the record allows this court to “fairly evaluate the merits of the claim,” will this court consider such claims on direct appeal. *Id.* Casas’s claims were not raised in the district court, and an evidentiary hearing was not conducted. The record is not sufficiently developed to permit review of the claims on direct appeal. *See United States v. Isgar*, 739 F.3d 829, 841 (5th Cir.), *cert. denied*, 135 S. Ct. 123 (2014). Accordingly, we deny the claims without prejudice to Casas raising them on collateral review.

The judgment of the district court is AFFIRMED.