

United States Court of Appeals  
for the Fifth Circuit

United States Court of Appeals  
Fifth Circuit

**FILED**

June 28, 2023

Lyle W. Cayce  
Clerk

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No. 22-60560  
Summary Calendar

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UNITED STATES OF AMERICA,

*Plaintiff—Appellee,*

*versus*

DERRICK HOUSTON,

*Defendant—Appellant.*

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Appeal from the United States District Court  
for the Northern District of Mississippi  
USDC No. 3:19-CR-65-11

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Before SMITH, SOUTHWICK, and DOUGLAS, *Circuit Judges.*

PER CURIAM:\*

Derrick Houston pled guilty to conspiring to commit racketeering activity. He was sentenced to 200 months of imprisonment and three years of supervised release. On appeal, Houston argues that his trial counsel provided ineffective assistance at sentencing.

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\* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

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We generally will not consider the merits of an ineffective assistance of counsel claim on direct appeal. *See United States v. Isgar*, 739 F.3d 829, 841 (5th Cir. 2014). Although there is an exception for those “rare cases in which the record allows a reviewing court to fairly evaluate the merits of the claim,” *id.* (quotation marks and citation omitted), this is not one of those. The record is not sufficiently developed to allow a fair evaluation of Houston’s ineffective assistance of counsel claim. We therefore decline to consider that claim, without prejudice to Houston raising it on collateral review.

The district court’s judgment is AFFIRMED. Houston’s unopposed motion to seal all briefs, record excerpts, and the motion itself is GRANTED.