

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-40293
Conference Calendar

UNITED STATES OF AMERICA,
versus

Plaintiff-Appellee,

JOHN HENRY LOPEZ,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. V-96-CR-17
- - - - -

October 23, 1997

Before POLITZ, Chief Judge, and WIENER and DENNIS, Circuit Judges.

PER CURIAM:*

John Henry Lopez appeals his guilty-plea conviction for two counts of distribution of cocaine in violation of 21 U.S.C. § 841(b)(1)(C). Lopez raises the sole issue that his counsel was ineffective for failing to advise him of the possibility of waiving his Speedy Trial Act rights and failing to advise him of an alleged amendment to the indictment. The court cannot address his ineffective-assistance-of-counsel claim because the record is not sufficiently complete to evaluate fairly the merits of the

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

claim. See United States v. Higdon, 832 F.2d 312, 313-14 (5th Cir. 1987).

AFFIRMED.