

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-41316
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

MARLON MANDELLE JONES,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 1:97-CR-35-2
- - - - -
August 14, 1998

Before JOLLY, SMITH, and WIENER, Circuit Judges.

PER CURIAM:*

Marlon Mandelle Jones argues on direct appeal from his guilty plea conviction and sentence for possession with intent to distribute cocaine base that he was denied effective assistance of court-appointed and retained counsel at sentencing. The record is not sufficiently developed to allow us to fairly evaluate Jones's claims of ineffective assistance of counsel. See United States v. Higdon, 832 F.2d 312, 314 (5th Cir. 1987). Therefore, we decline to address Jones's claims without prejudice

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

to his right to raise the issue in a 28 U.S.C. § 2255 motion.

Id. at 316.

AFFIRMED.