

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-10428
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

GEORGE D. FARQUHAR, III,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:97-CR-64-X & 3:97-CR-35
- - - - -

January 19, 1999

Before HIGGINBOTHAM, JONES, and DENNIS, Circuit Judges.

PER CURIAM:*

George Farquhar appeals his convictions for failure to appear at sentencing hearings, 18 U.S.C. § 3146(a)(1). He contends that the district court erred in denying his motion for a pre-sentence study or mental examination to determine his mental competency. He also contends, in the event that this court finds that the district court did not err in denying his motion, that his counsel's failure to investigate, develop, and present evidence relevant to his motion for a pre-sentence study or mental examination denied him effective assistance of counsel.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

We have reviewed the record and the briefs of the parties and conclude that the district court did not abuse its discretion in denying Farquhar's motion for a pre-sentence study or mental examination under 18 U.S.C. §§ 3006A, 3552(b) and (c), 4241(a), and 4244 because Farquhar failed to make the requisite showing of reasonable cause to believe that he was incompetent to stand trial. See United States v. Williams, 998 F.2d 258, 264-67 (5th Cir. 1993). Furthermore, Farquhar's ineffective assistance of counsel claim cannot be litigated on direct appeal because he did not adequately raise it in the district court. United States v. Gibson, 55 F.3d 173, 179 (5th Cir. 1995); United States v. Higdon, 832 F.2d 312, 314 (5th Cir. 1987). Farquhar may raise his ineffective assistance of counsel in a 28 U.S.C. § 2255 motion; if he requires counsel to assist in the preparation of the § 2255 motion, Farquhar may make that request to the district court.

The judgment of the district court is AFFIRMED.