

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

United States Court of Appeals
Fifth Circuit

FILED

May 11, 2011

Lyle W. Cayce
Clerk

No. 10-50436
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

JUAN PABLO VEGA, JR.,

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Texas
USDC No. 6:09-CR-171-1

Before JOLLY, GARZA and STEWART, Circuit Judges.

PER CURIAM:*

Juan Pablo Vega, Jr., represented by appointed attorney Alberto M. Ramon, appeals from his conviction of conspiracy to possess with intent to distribute cocaine. He contends solely that he received ineffective assistance of trial counsel.

The record is insufficiently developed to allow consideration at this time of Vega's claim of ineffective assistance of counsel; such a claim generally "cannot be resolved on direct appeal when the claim has not been raised before

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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. 10-50436

the district court since no opportunity existed to develop the record on the merits of the allegations.” *United States v. Cantwell*, 470 F.3d 1087, 1091 (5th Cir. 2006) (internal quotation marks and citation omitted); see *Massaro v. United States*, 538 U.S. 500, 504 (2003) (“In light of the way our system has developed, in most cases a motion brought under § 2255 is preferable to direct appeal for deciding claims of ineffective assistance.”).

Vega’s appeal is DISMISSED as frivolous. See 5TH CIR. R. 42.2. Attorney Ramon is WARNED that he “ha[s] no duty to bring frivolous appeals; the opposite is true[.]” *United States v. Burlison*, 22 F.3d 93, 95 (5th Cir. 1994), and that frivolous appeals in the future may subject counsel to sanctions.