

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

United States Court of Appeals
Fifth Circuit

FILED

August 22, 2011

Lyle W. Cayce
Clerk

No. 10-50991
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

JOSE MANUEL NAJERA-GANDARA,

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Texas
USDC No. 2:09-CR-1619-1

Before KING, JOLLY, and GRAVES, Circuit Judges.

PER CURIAM:*

Jose Manuel Najera-Gandara (Najera), represented by appointed attorney Alberto M. Ramon, appeals from his conviction for illegal reentry after deportation. He contends solely that he received ineffective assistance of counsel.

The record is not sufficiently developed to permit direct review of Najera's ineffective assistance of counsel claims. *See United States v. Bounds*, 943 F.2d 541, 544 (5th Cir. 1991). Therefore, Najera's appeal is DISMISSED as frivolous.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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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.