

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 92-1611
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JAMES L. HUFF,

Defendant-Appellant.

Appeals from the United States District Court
for the Northern District of Texas
CR 2 91 00032 1

March 19, 1993

Before GARWOOD, JONES, and EMILIO M. GARZA, Circuit Judges.

EDITH H. JONES, Circuit Judge:*

Appellant Huff pleaded guilty to one count of aiding and abetting mail fraud, after being charged in a 28-count superseding indictment with orchestrating a multi-state mail solicitation scheme. The scam garnered over \$150,000 in contributions to sponsor largely non-existent awards and prizes for local championship high school rodeos. Having been sentenced inter alia

* Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

to an imprisonment term of 60 months, Huff now appeals on several grounds. We find no error and affirm.

The only argument that has any credibility is Huff's contention that he should have been allowed to withdraw his guilty plea because he "perjured himself" by assenting to it. The district court reviewed his motion to withdraw his guilty plea under the well-known standard enunciated in United States v. Carr, 740 F.2d 339, 343-44 (5th Cir. 1984), cert. denied, 471 U.S. 1004 (1985). Finding no abuse of discretion in its action, we cannot reverse. The district court disbelieved Huff's avowal that he did not really understand the charges against him when he pled guilty and that he entered the plea because of advice and coercion from his attorney and harassment by the government. Huff, the court observed, had earlier agreed that the government's factual resume was true. The court then found that permitting withdrawal of the plea eleven weeks later would prejudice the government, would inconvenience the court's trial docket, and would make it difficult to locate the many witnesses in the case, some of whom Huff had employed in his scheme. The court also found that he was competently represented by counsel. Such findings amply support the court's decision.

Huff's other issues, save one, are absurd. Those include the charges that the district court lacked personal and subject matter jurisdiction because the states in which the contributions were solicited are "sovereign;" that the conviction is invalid because it is based on a faulty indictment (a contention waived by

the guilty plea); that the court lacked jurisdiction because there is no valid U.S. currency and the government is bankrupt; and that the court erred in dismissing his "writ of habeas corpus." His challenge, if one can call it that, to his sentence is unintelligible and therefore waived.

We decline to rule, however, on whether Huff received constitutionally ineffective assistance of counsel. The facts pertinent to this allegation were not sufficiently developed in the trial court and are not suitable for appellate review at this point. United States v. Higdon, 832 F.2d 312, 313-14 (5th Cir. 1987), cert. denied, 484 U.S. 1075 (1988).

The judgment of the district court is AFFIRMED.