

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

June 9, 2021

Lyle W. Cayce
Clerk

No. 20-10627
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

RYDER SHANE ALTMAN,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 1:19-CR-72-1

Before CLEMENT, HIGGINSON, and ENGELHARDT, *Circuit Judges.*

PER CURIAM:*

Ryder Shane Altman pleaded guilty, pursuant to a plea agreement, to distribution of child pornography and was sentenced to 192 months of imprisonment, to be served consecutively to Altman's anticipated probation revocation for a prior state court pornography conviction. He argues on

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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appeal that his trial counsel rendered ineffective assistance by failing to object to the presentence report's reference to application note 4(C) to U.S.S.G. § 5G1.3. He further contends that the district court abused its discretion in not granting his motion to continue his sentencing hearing so that he could obtain a mitigation expert.

The record is not sufficiently developed to allow us to make a fair evaluation of Altman's claim of ineffective assistance of counsel; we therefore decline to consider the claim without prejudice to collateral review. *See United States v. Isgar*, 739 F.3d 829, 841 (5th Cir. 2014). Altman's appeal waiver, which the Government invokes, bars his challenge to the denial of his motion for a continuance. *See United States v. Story*, 439 F.3d 226, 231 (5th Cir. 2006); *United States v. Bond*, 414 F.3d 542, 544 (5th Cir. 2005). Accordingly, the judgment of the district court is AFFIRMED.