

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

August 20, 2026

Lyle W. Cayce
Clerk

No. 25-50730
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

ANTONIO MAURICE GARDNER,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 6:18-CR-330-1

Before SMITH, SOUTHWICK, and OLDHAM, *Circuit Judges*.

PER CURIAM:*

Antonio Maurice Gardner appeals his conviction and sentence for possession with the intent to distribute methamphetamine. He challenges the district court's denial of his motion to suppress and its calculation of his criminal history score. He also raises a claim of ineffective assistance of counsel.

* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

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The affidavit supporting the search warrant did not contain “wholly conclusory statements” and was not bare bones. *United States v. Weaver*, 171 F.4th 780, 785 (5th Cir. 2026) (internal quotation marks and citation omitted); see *United States v. McKnight*, 953 F.2d 898, 904-05 (5th Cir. 1992). As a result, the good faith exception to the exclusionary rule applies, and the district court did not err in denying the motion to suppress. See *Weaver*, 171 F.4th at 785.

We do not address Gardner’s argument that the district court erred in calculating his criminal history score because he waived this objection at sentencing. See *United States v. Rico*, 864 F.3d 381, 383-84 (5th Cir. 2017). Finally, because the record is not sufficiently developed to allow us to make a fair evaluation of Gardner’s ineffective assistance of counsel claim, we decline to consider it without prejudice to collateral review. See *United States v. Isgar*, 739 F.3d 829, 841 (5th Cir. 2014).

AFFIRMED.