

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 00-41430
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

PAT BRADY,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. C-00-CR-205-1
- - - - -

August 22, 2001

Before KING, Chief Judge, and POLITZ and PARKER, Circuit Judges.

PER CURIAM:*

Pat Brady appeals his guilty-plea conviction and sentence for aiding and abetting the possession of more than 50 grams of methamphetamine with intent to distribute, in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2. Brady argues for the first time on appeal that his trial counsel performed ineffectively by advising the sentencing court that Brady suffered from "memory lapses," apparently caused by his voluntary use of illegal drugs, while failing to seek a psychiatric examination for Brady to

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

determine whether any cognitive shortcomings may have affected the voluntariness of his guilty plea.

The record has not been adequately developed for this court to consider Brady's ineffectiveness claim on direct appeal. See United States v. Higdon, 832 F.2d 312, 314 (5th Cir. 1987).

Because the record is insufficiently developed, we decline to address the claim, without prejudice to Brady's right to raise it in a proper proceeding pursuant to 28 U.S.C. § 2255. See id.

The conviction and sentence are AFFIRMED.