

October 21, 2003

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 03-10312  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

YOUA LOR YANG,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 4:02-CR-198-ALL-A  
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Before KING, Chief Judge, and JOLLY and STEWART, Circuit Judges.

PER CURIAM:\*

Youa Lor Yang ("Yang") appeals his guilty-plea conviction for importing opium into the United States. For the first time on appeal, Yang argues that his counsel was ineffective for not filing a motion to suppress, not arguing in support of his motion for downward departure at sentencing, and not arguing that the Government should have filed a motion for downward departure based upon his substantial assistance.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Because Yang did not raise his claims in the district court, there is no evidentiary record on these issues. Consequently, the record has not been developed sufficiently for us to consider Yang's ineffective assistance of counsel claims on direct appeal. See United States v. Maria-Martinez, 143 F.3d 914, 916 (5th Cir. 1998). Accordingly, the judgment of conviction is AFFIRMED without prejudice to Yang's right to raise his ineffective assistance of counsel claims in a motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255. We express no view on the merits of such a motion.