

April 17, 2007

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 06-50509  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ALEJANDRO MORALES,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 3:05-CR-1775-ALL  
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Before HIGGINBOTHAM, BENAVIDES, and PRADO, Circuit Judges.

PER CURIAM:\*

Alejandro Morales appeals the 87-month sentence he received after pleading guilty to possession with intent to distribute more than five kilograms of cocaine. He contends that his sentence, which was already below the statutory minimum, would have been even lower if his trial counsel had adequately explained to him the necessity for complete truthfulness in his discussions with the Government.

A claim of ineffective assistance of counsel generally will not be considered for the first time on direct appeal because

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

there has not been an opportunity to develop evidence on the claim. United States v. Lampazianie, 251 F.3d 519, 527 (5th Cir. 2001). The record here has not been sufficiently developed to permit consideration of Morales's claim on direct appeal.

Accordingly, without prejudice to Morales's right to file a motion pursuant to 28 U.S.C. § 2255, the judgment of the district court is AFFIRMED.