

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-40362
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

BOYD ALLEN COFFEE,

Defendant-Appellant.

Appeal from the United States District Court for the
Eastern District of Texas
(4:94-CR-22-3)

January 31, 1996
Before GARWOOD, DUHÉ and BARKSDALE, Circuit Judges.

PER CURIAM:*

Defendant-appellant Boyd Allen Coffee (Coffee) appeals the district court's judgment sentencing him to thirty-three months' imprisonment. Coffee argues only that his trial counsel was ineffective for failing to object to the four-point upward adjustment to his offense level for leader/organizer status. No such contention was raised below. For that reason, and because the

*Pursuant to Local Rule 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

record before us does not demonstrate that the requisites of such a claim are established, we follow the general rule and decline to review this contention, and we accordingly hereby affirm the judgement below. *See United States v. Munoz-Romo*, 947 F.2d 170, 179 (5th Cir. 1991). Our affirmance, however, is without prejudice to whatever right Coffee would otherwise have to pursue his claim of ineffective assistance of counsel in appropriate proceedings under 28 U.S.C. § 2255.

AFFIRMED