

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 96-20937  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

KENNETH RAY HENDERSON,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. H-95-CR-292-2  
- - - - -

February 11, 1998

Before SMITH, EMILIO M. GARZA, and DeMOSS, Circuit Judges.

PER CURIAM:\*

Kenneth Ray Henderson argues that his counsel was ineffective for failing to object to alleged factual errors in the PSR and that he was entitled to a downward adjustment for a minimal or minor role. Henderson's claim of ineffective assistance of counsel was not sufficiently developed because it was not raised in the district court. See United States v. Higdon, 832 F.2d 312, 314 (5th Cir. 1987). Therefore, we decline to address Henderson's claim without prejudice to his right to

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

raise the issue in a 28 U.S.C. § 2255 motion. Id. at 316. Construing Henderson's brief as raising, for the first time on appeal, the issue of whether he is entitled to a downward adjustment for a minimal or minor role, the review is limited to plain error. United States v. Calverly, 37 F.3d 160, 162-64 (5th Cir. 1994)(en banc). Henderson does not show plain error. Id.; Robertson v. Plano City of Texas, 70 F.3d 21, 23 (5th Cir. 1995).

AFFIRMED.