

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

August 8, 2007

Charles R. Fulbruge III
Clerk

No. 06-51015
Summary Calendar

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

PAUL CHRISTOPHER HICKS

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Texas, Midland
USDC No.7:06-CR-56-ALL

Before KING, DAVIS, and CLEMENT, Circuit Judges.

PER CURIAM:*

Paul Christopher Hicks appeals his 63-month sentence following his guilty plea conviction of being a felon in possession of ammunition, in violation of 18 U.S.C. § 922(g)(1). Hicks argues that his counsel was constitutionally ineffective during sentencing. The Government argues that the claim should await collateral review or, alternatively, that it is without merit.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

This court generally will not consider claims of ineffective assistance of counsel on direct appeal except in those “rare cases where the record allowed [this court] to evaluate fairly the merits of the claim.” *United States v. Higdon*, 832 F.2d 312, 313-14 (5th Cir. 1987). We conclude that this is not one of those cases. Without prejudice to Hicks’ right to file a motion pursuant to 28 U.S.C. § 2255, the judgment of the district court is **AFFIRMED**.