

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 99-10921  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ZEFERINO LOPEZ,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 4:95-CR-102-1-Y  
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February 16, 2000

Before EMILIO M. GARZA, BENAVIDES, and DENNIS, Circuit Judges.

PER CURIAM:\*

Zeferino Lopez pleaded guilty to distribution of methamphetamine and received 262 months' imprisonment. He argues that he received ineffective assistance of counsel because retained counsel at the time of Lopez's arraignment had a conflict of interest arising from criminal proceedings against counsel, which resulted in counsel's guilty plea to a felony in state court.

A claim of ineffective assistance ordinarily may not be made for the first time on appeal as the district court must develop

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

an adequate record so that this court may evaluate the merits of the claim. See United States v. Bounds, 943 F.2d 541, 544 (5th Cir. 1991). The record in this case is not sufficient for review; therefore, we dismiss the ineffective-assistance claim without prejudice to Lopez's ability to bring such a claim in a motion pursuant to 28 U.S.C. § 2255. See id.

AFFIRMED.