

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

United States Court of Appeals  
Fifth Circuit

**FILED**

May 20, 2010

Lyle W. Cayce  
Clerk

\_\_\_\_\_  
No. 09-30464  
Summary Calendar  
\_\_\_\_\_

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

BOBBY D. CURTIS,

Defendant-Appellant

\_\_\_\_\_  
Appeal from the United States District Court  
for the Western District of Louisiana  
USDC No. 1:08-CR-207-1  
\_\_\_\_\_

Before KING, BARKSDALE, and GARZA, Circuit Judges.

PER CURIAM:\*

Bobby D. Curtis appeals both his guilty-plea conviction and sentence for concealment of bankruptcy assets, in violation of 18 U.S.C. § 152(1). His only contention, however, is that his counsel rendered ineffective assistance by: failing to produce any evidence regarding the valuation of E-rate contracts; giving incorrect advice regarding the statute of limitations for concealment of bankruptcy assets; and failing to ascertain facts regarding the amount of assets Curtis allegedly concealed.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Generally, our court declines to review ineffective-assistance claims on direct appeal; an exception is in “rare cases where the record allow[s the court] to evaluate fairly the merits of the claim”. *United States v. Kizzee*, 150 F.3d 497, 502 (5th Cir. 1998) (quoting *United States v. Higdon*, 832 F.2d 312, 314 (5th Cir. 1987)). The record at hand is not sufficiently developed to permit direct review of Curtis’ ineffective-assistance-of-counsel claims. *See id.* at 502–03 (declining to consider ineffective-assistance claim where no testimony was taken nor factual findings made regarding that claim). Therefore, we decline to consider Curtis’ ineffective-assistance-of-counsel claims. This, of course, is without prejudice to his right to present them in a motion pursuant to 28 U.S.C. § 2255. *See id.* at 503 (citing *United States v. Price*, 95 F.3d 364, 369 (5th Cir. 1996)).

AFFIRMED.