

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

United States Court of Appeals
Fifth Circuit

F I L E D
August 6, 2010

No. 09-50970
Summary Calendar

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

NAPOLEON LAJUAN RANDALL,

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Texas
USDC No. 1:05-CR-63-2

Before BARKSDALE, DENNIS, and OWEN, Circuit Judges.

PER CURIAM:*

Napoleon Lajuan Randall challenges his guilty-plea conviction for attempt to possess with intent to distribute cocaine, in violation of 21 U.S.C. § 841(b)(1)(C). Randall claims his trial counsel was ineffective because: at sentencing, counsel denied Randall was the drug transaction's financial source, despite Randall's admission in the factual basis, resulting in the loss of a three-level acceptance-of-responsibility reduction; and, counsel failed to

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

investigate the facts of the case and erroneously advised Randall concerning the charges against him, causing his guilty plea to be unknowing and involuntary.

The record is insufficiently developed, however, to allow consideration now of Randall's claims of ineffective assistance of counsel; they generally "cannot be resolved on direct appeal when [they have] not been raised before the district court since no opportunity existed to develop the record on the merits of the allegations". *United States v. Cantwell*, 470 F.3d 1087, 1091 (5th Cir. 2006) (quoting *United States v. Pierce*, 959 F.2d 1297, 1301 (5th Cir. 1992)).

AFFIRMED.