

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

United States Court of Appeals
Fifth Circuit

FILED

November 11, 2010

No. 10-40140
Summary Calendar

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

MANDEEP SINGH,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 2:09-CR-582-1

Before JOLLY, GARZA, and STEWART, Circuit Judges.

PER CURIAM:*

Mandeep Singh appeals his conviction and sentence for possession with intent to distribute approximately 899 kilograms of marijuana. We affirm.

Singh argues that he was constructively denied counsel because, prior to his first trial which ended in a mistrial, his lawyer advised the court that he had been suspended by the State of Texas for failing to pay his bar dues. The current record is insufficiently developed regarding the merits of Singh's claim of

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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ineffective assistance of counsel, so we decline to consider this claim on direct appeal. *See United States v. Cantwell*, 470 F.3d 1087, 1091 (5th Cir. 2006).

Singh also contends that the district court failed to state adequate reasons for his sentence, which was within the properly calculated guidelines range. He concedes that review is only for plain error and that he cannot show that the allegedly inadequate explanation affected his sentence. *See United States v. Mondragon-Santiago*, 564 F.3d 357, 361 (5th Cir.), *cert. denied*, 130 S. Ct. 192 (2009). He argues only that the plain-error standard of review applied to sentences pursuant to *Mondragon-Santiago* should be relaxed, and he seeks to preserve this issue for further review.

The judgment of the district court is AFFIRMED