

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

United States Court of Appeals
Fifth Circuit

FILED

February 20, 2013

Lyle W. Cayce
Clerk

No. 12-30544

Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

GERALD YORK, JR.,

Defendant-Appellant

Appeal from the United States District Court
for the Middle District of Louisiana
USDC No. 3:11-CR-111-1

Before JONES, DENNIS, and HAYNES, Circuit Judges.

PER CURIAM:*

Gerald York, Jr., appeals from his conviction and sentence for distributing cocaine and cocaine base. He argues that his guilty plea was involuntary due to his trial attorney's ineffective representation.

As a general rule, we decline to review claims of ineffective assistance of counsel on direct appeal. *See United States v. Cantwell*, 470 F.3d 1087, 1091 (5th Cir. 2006). A 28 U.S.C. § 2255 motion is the preferred method for raising a claim of ineffective assistance of counsel. *See Massaro v. United States*, 538

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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U.S. 500, 503-04 (2003). This is not one of those “rare cases” where the record is sufficiently developed to allow consideration of the merits of counsel’s performance. *See United States v. Mudékunye*, 646 F.3d 281, 288 (5th Cir. 2011). Accordingly, we decline to consider York’s ineffective assistance claim in this appeal without prejudice to his ability to raise the claim in a timely-filed § 2255 proceeding.

AFFIRMED.