

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

No. 15-60072
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

July 21, 2016

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

TERRY WAYNE IRVING, also known as Sealed Defendant 1,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Mississippi
USDC No. 1:04-CR-63-1

Before JOLLY, DAVIS, and HIGGINSON, Circuit Judges.

PER CURIAM:*

Terry Wayne Irving appeals the revocation of his supervised release. He was convicted of possession with intent to distribute cocaine base and sentenced to 120 months of imprisonment and five years of supervised release. His supervised release was revoked after the district court found that he possessed controlled substances and failed to notify his probation officer of his change of address, and he was sentenced to 51 months of imprisonment.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

No. 15-60072

Irving contends that trial counsel was ineffective for failing to subpoena witnesses to give testimony in his favor at his revocation hearing and challenge the lack of fingerprint or related forensic evidence. We decline to review these claims on direct appeal because the record is not sufficiently developed for us to determine whether trial counsel was ineffective. *See United States v. Isgar*, 739 F.3d 829, 841 (5th Cir. 2014). This determination is without prejudice to Irving's ability to raise his claims in a 28 U.S.C. § 2255 motion.

The judgment of the district court is AFFIRMED.