

**United States Court of Appeals
FOR THE EIGHTH CIRCUIT**

No. 99-1978

United States of America,

Appellee,

v.

Juan Rodriguez, also known as Juan
Francisco Rodriguez, also known as
Juan Rodriguez Bueno,

Appellant.

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Appeal from the United States
District Court for the
District of Nebraska.

[UNPUBLISHED]

Submitted: January 5, 2000
Filed: January 10, 2000

Before BEAM, LOKEN, and MORRIS S. ARNOLD, Circuit Judges.

PER CURIAM.

Juan Rodriguez pleaded guilty to conspiring to distribute methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1) and 846. The district court¹ sentenced Rodriguez to 168 months imprisonment and 5 years supervised release. He appeals, and we affirm.

¹The HONORABLE RICHARD G. KOPF, United States District Judge for the District of Nebraska.

For reversal, Rodriguez argues his trial counsel was ineffective for failing to move for a downward departure based on an overrepresentation of his criminal history, and for failing to move to compel the government to file a substantial-assistance downward-departure motion. We conclude Rodriguez's ineffective-assistance claims are not properly before us, because the issues were not raised below, the record lacks development of the relevant facts, and the government has objected to consideration of the claims in this appeal. See United States v. Logan, 49 F.3d 352, 361 (8th Cir. 1995).

Accordingly, we affirm.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.