

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 03-1132

United States of America,	*	
	*	
Appellee,	*	
	*	Appeal from the United States
v.	*	District Court for the District
	*	of Nebraska.
Leonel Garcia-Garibay, also known as	*	
Marcos Gonzalez,	*	[UNPUBLISHED]
	*	
Appellant.	*	

Submitted: January 7, 2004

Filed: January 21, 2004

Before WOLLMAN, FAGG, and MORRIS SHEPPARD ARNOLD, Circuit Judges.

PER CURIAM.

Leonel Garcia-Garibay appeals the sentence the district court* imposed after Garcia-Garibay pleaded guilty to drug violations under 21 U.S.C. §§ 841 and 846. Garcia-Garibay argues he should be resentenced because defense counsel was ineffective for failing to file a timely motion to suppress evidence of methamphetamine seized during the search of Garcia-Garibay's home. We conclude

*The Honorable Laurie Smith Camp, United States District Judge for the District of Nebraska.

this ineffective-assistance claim should be brought, if at all, in a 28 U.S.C. § 2255 motion. See United States v. Hughes, 330 F.3d 1068, 1069 (8th Cir. 2003). Consequently, we affirm the judgment of the district court.
