

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 12-12642
Non-Argument Calendar

D.C. Docket No. 1:11-cr-00325-CG-B-2

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

FAYAD BASSAM AZZAM,

Defendant-Appellant,

JULIA BEATRIZ CASTRO,

Defendant.

Appeal from the United States District Court
for the Southern District of Alabama

(May 14, 2013)

Before: PRYOR, MARTIN and FAY, Circuit Judges.

PER CURIAM:

Fayad Bassam Azzam appeals his convictions for conspiring to marry to evade immigration laws, 18 U.S.C. § 371, and marrying to evade the immigration laws, 8 U.S.C. § 1325(c). Azzam argues that his trial counsel was ineffective for waiting until after trial to investigate potential witnesses and obtain documents and introducing the evidence belatedly in support of Azzam's motion for a new trial. Because the district court did not consider this argument and develop a record regarding the performance of trial counsel, we decline to consider Azzam's claim of ineffective assistance for the first time on direct appeal. See United States v. Bender, 290 F.3d 1279, 1284 (11th Cir. 2002). Azzam can present his argument in a postconviction motion. 28 U.S.C. § 2255.

We **AFFIRM** Azzam's convictions.