

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-30616
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellant,

versus

JUNIOR LEE ELEY,

Defendant-Appellee.

- - - - -
Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. CA-95-1081
- - - - -

April 19, 1996

Before DUHÉ, DeMOSS, and DENNIS, Circuit Judges.

PER CURIAM:*

Appellant appeals from the district court's order denying his motion for relief under 28 U.S.C. § 2255. He argues only that the district court erred in applying an enhancement under U.S.S.G. § 4B1.1, career offender, rather than apply § 4B1.4, armed career criminal.

We have reviewed the argument and the record and perceive no reversible error. Eley's challenge to the district court's application of the Guidelines is not cognizable in § 2255 because a district court's technical application of the Guidelines does not give rise to a constitutional issue. *United States v. Vaughn*, 955 F.2d 367, 368 (5th Cir. 1992).

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

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AFFIRMED.