

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-50030
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

LEROY YOUNG,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Western District of Texas
USDC No. CA-W-94-325 (CR-W-89-145-3)
- - - - -

June 29, 1995

Before JONES, WIENER, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:*

The factual and legal bases for Leroy Young's due process violation claim were available when Young filed his first 28 U.S.C. § 2255 motion; therefore, the district court did not abuse its discretion by dismissing his current motion as abusive under Rule 9(b) of the Rules Governing § 2255 Proceedings. United States v. Flores, 981 F.2d 231, 234 (5th Cir. 1993).

AFFIRMED.

* Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the court has determined that this opinion should not be published.