

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-50713
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

IAN JAMES HOLBS,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Western District of Texas
USDC No. A-95-CV-382
- - - - -

May 20, 1996

Before SMITH, BENAVIDES, and DENNIS, Circuit Judges.

PER CURIAM:*

Ian James Holbs appeals the district court's denial of his motion to vacate, correct, or set aside his sentence under 28 U.S.C. § 2255. He argues that his counsel was ineffective in that he failed to object to the trial court's imposition of a consecutive sentence for his escape convictions, and he erroneously advised Holbs to dismiss his direct appeal of his sentence. Because the relation between the 1990 U.S. Sentencing Guideline provisions §§ 3C1.1, 3D1.2, and 5G1.3 has not been

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

directly addressed by this court, Holbs' counsel was not ineffective for failing to raise this issue at sentencing. See Strickland v. Washington, 466 U.S. 668, 689-94 (1984). Further, Holbs has not shown that his claim would have had a reasonable probability of success on appeal. See Duhamel v. Collins, 995 F.2d 962, 967 (5th Cir. 1992)(citation omitted).

AFFIRMED.