

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 96-20351  
(Summary Calendar)

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

EARL ST. ELMO BROWN,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Texas  
(USDC No. CR-H-95-63-1)  
- - - - -

February 14, 1997

Before HIGGINBOTHAM, WIENER and BENAVIDES, Circuit Judges.

PER CURIAM:\*

Earl Stelmo Brown appeals his conviction for being a felon in possession of a firearm, in violation of 18 U.S.C. § 922(g)(1). In an intertwined argument, Brown contends that the district court erred by denying his motion for a new trial without conducting an evidentiary hearing and that he received ineffective assistance of counsel. Our review of the record and of the arguments convinces us that no reversible error was committed.

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\* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

As Brown does not show prejudice from his assertion that trial counsel's performance was deficient, his ineffective-assistance claim is without merit. See Strickland v. Washington, 466 U.S. 668, 687 (1984). Nor has Brown shown that the district court abused its discretion by denying, without conducting an evidentiary hearing, his motion for a new trial based on his claim of ineffective-assistance. See United States v. Blackburn, 9 F.3d 353, 358 (5th Cir. 1993).

AFFIRMED.