

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-20408
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

OSCAR SAA,

Defendant-Appellant.

Appeal from the United States District Court
For the Southern District of Texas
(CR-H-91-216-2 & CA-H-95-5696)

March 14, 1997

Before POLITZ, Chief Judge, WIENER and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:*

Oscar Saa appeals the denial of his motion for modification of sentence under 28 U.S.C. § 2255. Our review of the record discloses no reversible error and, for essentially the reasons as assigned by the district court in its Order signed on

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

April 4, 1996 and entered on April 5, 1996, we affirm. Contrary to Saa's contention, his trial counsel was not ineffective for failing to object to the quantity of drugs as computed in the PSR for any objection thereto would have been without merit.¹ Further, the district court did not abuse its discretion for declining to order an evidentiary hearing.²

AFFIRMED.

¹**United States v. Puig-Infante**, 19 F.3d 929 (5th Cir. 1994).

²**United States v. Smith**, 915 F.2d 959 (5th Cir. 1990); **United States v. Bartholomew**, 974 F.2d 39 (5th Cir. 1992).