

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-30347
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

FRANKLIN B. ROBINSON,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Louisiana
(95-CV-1448)

January 6, 1997

Before KING, JOLLY, and PARKER, Circuit Judges.

PER CURIAM:*

Franklin B. Robinson, federal prisoner #08390-035, appeals from the district court's denial of his motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255. Franklin argues that 1) the evidence was insufficient to support his conspiracy conviction; 2) his grand and petit juries were not selected from a fair cross-section of the community;

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

3) the district court erred in admitting the out-of-court statements of his coconspirator; 4) the district court violated Fed. R. Crim. P. 32 at sentencing; 5) the district court failed to give a jury instruction on Robinson's defense; 6) prosecutorial misconduct occurred during the grand jury proceedings and at trial; and 7) Robinson received ineffective assistance of counsel at trial and on appeal.

We have reviewed the record and find no reversible error. Accordingly, the judgment is AFFIRMED for essentially the reasons adopted by the district court. See United States v. Robinson, No. 95-CV-1448 (W.D. La. Mar. 26, 1996). If this court were to hold that a certificate of appealability (COA) is required in a case such as this, COA would be denied. See 28 U.S.C. § 2253(c).

AFFIRMED.