

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-50063
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

REBECCA JEAN STEWART,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Western District of Texas
USDC No. A-95-CV-45367
- - - - -

December 19, 1996

Before HIGGINBOTHAM, WIENER, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Rebecca Jean Stewart appeals the district court's denial of her petition for habeas which it treated as a motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255. To the extent that Stewart alleges error at her sentencing, we affirm for essentially the same reasons as the district court. *United States v. Stewart*, A-94-CR-67 (W.D. Tex. Jan. 11, 1996). To the extent that Stewart raises ineffective assistance of

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

counsel claims, we affirm as Stewart has failed to demonstrate a probability that, but for counsel's allegedly defective performance, her sentence would have been significantly less harsh. See United States v. Acklen, 47 F.3d 739, 742 (5th Cir. 1995).

AFFIRMED.