

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-50151
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

NOE HERRERA,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Western District of Texas
USDC No. EP-92-CR-239-3
- - - - -

April 15, 1997

Before REAVLEY, DAVIS, and BARKSDALE, Circuit Judges.

PER CURIAM:*

Noe Herrera appeals his resentencing pursuant to 18 U.S.C. § 3582(c)(2). The district court did not err in not reducing his fine. See 18 U.S.C. § 3582(c)(2); U.S.S.G., Appendix C amd. 505; United States v. Segler, 37 F.3d 1131, 1135 (5th Cir. 1994). Herrera did not receive ineffective assistance of counsel for failing to argue for a reduction in the fine. See Koch v. Puckett, 907 F.2d 524, 527 (5th Cir. 1990).

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

AFFIRMED.