

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-30680
USDC No. 97-CV-1363

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

LUIS ANTONIO GIRON-RODRIGUEZ,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Eastern District of Louisiana

- - - - -
April 28, 1999

Before HIGGINBOTHAM, JONES, and DENNIS, Circuit Judges.

PER CURIAM:*

IT IS ORDERED that federal prisoner (# 21341-034) Luis Antonio Giron-Rodriguez's application for a certificate of appealability (COA) is DENIED. A COA is not granted unless there is a substantial showing of the denial of a constitutional right to an applicant for relief pursuant to 28 U.S.C. § 2255. 28 U.S.C. § 2253(c). Giron-Rodriguez has not made such a showing relative to his contentions that he was denied the effective

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

assistance of counsel at his sentencing for controlled-substance offenses and upon his direct appeal.

Giron-Rodriguez's contention that he is entitled to relief on authority of 18 U.S.C. § 3582(c)(2) has no merit. Therefore, the district court's denial of relief on this claim is AFFIRMED.

COA DENIED; DENIAL OF § 3582 RELIEF AFFIRMED.