

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-30230
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

KIBIBI NAYO DAVISON,

Defendant-Appellant.

Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. 00-CV-2030-B
98-CR-70-1-B

November 1, 2001

Before JONES, SMITH, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:*

Kibibi Nayo Davison ("Davison"), federal prisoner # 15369-075, appeals the district court denial of her 28 U.S.C. § 2255 motion to vacate, set aside, or correct her sentence. Davison was convicted by a jury of conspiracy to interfere with commerce by robbery and solicitation of robbery.

Davison argues that her trial attorney was ineffective because he failed to object to the admissibility of certain evidence and prejudicial hearsay testimony, he did not adequately

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

cross examine Davison's co-conspirator, and because he failed to move for a mistrial after prejudicial testimony about Davison allowing an individual to "cook" crack in her dorm room was introduced.

Davison also argues that her appellate counsel was ineffective for failing to argue that the district court erred when it denied Davison's request for a new trial, and because he did not argue that the district court erred when it determined that Davison was not substantially less culpable than the average defendant.

We have reviewed the record and the briefs submitted by the parties and find no error in the district court's denial of Davison's § 2255 claim of ineffective assistance of counsel. See Strickland v. Washington, 466 U.S. 668, 689-94 (1984); United States v. Phillips, 210 F.3d 345, 348-350 (5th Cir. 2000).

AFFIRMED.