

April 21, 2003

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 02-10347
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

VINCENT EDWARD HUMPHREY,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC Nos. 5:01-CV-013-C
5:00-CR-29-1-C

Before JONES, STEWART, and DENNIS, Circuit Judges.

PER CURIAM:*

Vincent Edward Humphrey, federal prisoner #22045-077, appeals the district court's denial of his 28 U.S.C. § 2255 motion, in which he asserted that his counsel was ineffective for failing to file a notice of appeal. Humphrey argues that the district court used an improper analysis in denying his motion and that its judgment therefore should be reversed and the matter remanded. As the Government maintains, however, this court's recent decision in

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

United States v. White, 307 F.3d 336 (5th Cir. 2000), requires that the district court's judgment be affirmed.

Humphrey's plea agreement contained a waiver of his right to seek 28 U.S.C. § 2255 relief. Humphrey signed the plea agreement and stated at rearraignment that he understood the waiver. Humphrey does not argue that the waiver or his plea agreement was unknowing or involuntary. His ineffective assistance claim does not relate to the voluntariness of his waiver or his plea agreement, but concerns counsel's performance following Humphrey's sentencing.

Because Humphrey waived his right to 28 U.S.C. § 2255 relief in his plea agreement, and Humphrey knew that when he signed the agreement, this court must "hold him to his word and affirm the district court's denial of his section 2255 motion." White, 307 F.3d at 344.

AFFIRMED.