

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

United States Court of Appeals  
Fifth Circuit

**FILED**

April 7, 2009

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No. 08-30413  
Summary Calendar

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Charles R. Fulbruge III  
Clerk

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

JACK WILLIE

Defendant-Appellant

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

USDC No. 2:06-CV-1340

USDC No. 2:01-CR-236-4

USDC No. 2:06-CV-1341

USDC No. 2:01-CR-292-1

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Before WIENER, STEWART, and CLEMENT, Circuit Judges.

PER CURIAM:\*

Defendant-Appellant Jack Willie, federal prisoner # 27690-034, appeals the denial of his 28 U.S.C. § 2255 motion in which he challenged his conviction and sentence for conspiracy to distribute cocaine and cocaine base and being a felon in possession of a firearm. Willie asserts that the district court abused its

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

discretion by denying relief without first conducting an evidentiary hearing. He contends that he was entitled to relief on his claim that counsel was ineffective based on counsel's failure to build a trusting attorney-client relationship, which resulted in Willie's refusal to consider engaging in plea discussions. He also urges that counsel was ineffective in failing to prepare him to testify in his own behalf.

Willie fails to reassert his claims of ineffective assistance advanced in the district court regarding (1) counsel's failure to object to the 21 U.S.C. § 851 sentence enhancement, (2) the imposition of supervised release, and (3) the sufficiency of the indictment. He also fails to reassert his claim of ineffective assistance of appellate counsel. As Willie has not briefed these issues in this court, they are deemed abandoned. *See Hughes v. Johnson*, 191 F.3d 607, 613 (5th Cir. 1999).

Willie fails to show that counsel's performance was deficient or that there was a reasonable probability that the outcome would have been different but for counsel's alleged errors. *See Strickland v. Washington*, 466 U.S. 668, 694 (1984). As Willie has not shown the likely merit of his allegations, he has failed to demonstrate that the district court abused its discretion in denying an evidentiary hearing. *See United States v. Edwards*, 442 F.3d 258, 264 (5th Cir. 2006); *United States v. Bartholemew*, 974 F.2d 39, 41 (5th Cir. 1992). The judgment of the district court is AFFIRMED.