

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

United States Court of Appeals
Fifth Circuit

FILED

June 4, 2014

Lyle W. Cayce
Clerk

No. 13-10339
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

LISHON MARCELLE HUDSON,

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:12-CV-828
USDC No. 4:09-CR-137-1

Before JOLLY, SMITH, and CLEMENT, Circuit Judges.

PER CURIAM:*

Lishon Marcelle Hudson, now federal prisoner # 39081-177, has appealed the denial of his motion under 28 U.S.C. § 2255 challenging his conviction of possession of a controlled substance with intent to distribute, for which he was sentenced in the middle of the guidelines range to a 135-month

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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term of imprisonment and to a four-year period of supervised release. *See United States v. Hudson*, 422 F. App'x 343 (5th Cir. 2011) (direct appeal).

On this record, Hudson cannot carry his heavy burden of showing that there is a reasonable probability that, but for counsel's unprofessional errors in failing to object to the simultaneous application of U.S.S.G. §§ 3C1.2 and 4B1.1(b), the district court would have imposed a more lenient sentence. *See Lafler v. Cooper*, 132 S. Ct. 1376, 1384 (2012); *United States v. Wines*, 691 F.3d 599, 604 (5th Cir. 2012).

Hudson's conclusional argument, related to counsel's failure to object to the attribution to Hudson of relevant conduct in the determination of the drug quantity at sentencing, fails to demonstrate any error by the district court. *See Strickland v. Washington*, 466 U.S. 668, 687 (1987); *United States v. Rhine*, 583 F.3d 878, 885-89 (5th Cir. 2009).

Because our review is limited to issues for which a certificate of appealability has been granted, other uncertified issues raised by Hudson have not been considered. *See* 28 U.S.C. § 2253(c). The judgment is AFFIRMED.