

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 92-2770
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

RODOLFO RODRIGUEZ-GONZALEZ,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. CA-H-92-2396 (CR-H-88-0237)
- - - - -

June 24, 1993

Before POLITZ, Chief Judge, WIENER, and DeMOSS, Circuit Judges.

PER CURIAM:*

Pursuant to a plea agreement, Rodolfo Rodriguez-Gonzalez (Rodriguez) pleaded guilty to conspiracy to possess cocaine with intent to distribute. The Government agreed to recommend, in the event the district court did not follow the Sentencing Guidelines, a "sentence of 121 months incarceration." The district court subsequently sentenced Rodriguez to prison for 121 months and to supervised release for three years. Instead of appealing his sentence, Rodriguez, pursuant to 28 U.S.C. § 2255, filed a motion to vacate the sentence. Rodriguez argued in his §

* Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

2255 motion that the district court did not comply with Rule 11 of the Federal Rules of Criminal Procedure because it did not inform him of the effects of supervised release. The district court denied the motion. Rodriguez appeals that denial.

The district court did not provide reasons for denying Rodriguez's motion. This Court consistently requires district courts to provide findings and conclusions for their rulings on motions to vacate sentence filed under § 2255. United States v. Daly, 823 F.2d 871, 872 (5th Cir. 1987). Such findings are necessary unless the record conclusively shows that the defendant is entitled to no relief. Id.

The failure to follow Rule 11** is not grounds for relief under § 2255. See United States v. Timmreck, 441 U.S. 780, 784-85, 99 S. Ct. 2085, 60 L. Ed. 2d 634 (1979). Relief under § 2255 is strictly for jurisdictional or constitutional issues. See United States v. Shaid, 937 F.2d 228, 232 (5th Cir. 1991) (en banc), cert. denied, 112 S. Ct. 978 (1992).

Because Rodriguez has not raised an issue that would entitle him to § 2255 relief, the denial of his motion is AFFIRMED.

** Rule 11 addresses three "core concerns": whether the guilty plea was coerced; whether the defendant understood the nature of the charges; and whether the defendant understood the consequences of his plea. See United States v. Bachynsky, 934 F.2d 1349, 1354 (5th Cir.) (en banc), cert. denied, ___ U.S. ___, 112 S. Ct. 402 (1991) (direct appeal from guilty-plea conviction).