

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 92-5254  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

MARCUS KRUMMEL, JR.,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Eastern District of Texas  
USDC No. 1:92CV406 (1:90CR63-1)  
- - - - -

June 22, 1993

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

PER CURIAM:\*

Marcus Krummel pleaded guilty to one count of possession of a firearm by a felon and was sentenced to 14 months imprisonment, three years supervised release, and a \$50 special assessment. He did not appeal his conviction or sentence, but filed a pro se § 2255 motion alleging that he was denied effective assistance of counsel. The district court denied the motion.

Krummel argues that he was denied effective assistance of counsel because his attorney failed to object to the imposition of a supervised release term at sentencing or on appeal. To

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\* 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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

establish an ineffective-assistance-of-counsel claim Krummel must demonstrate that his attorney's performance was deficient and that the deficient performance prejudiced his defense.

Strickland v. Washington, 466 U.S. 668, 687, 104 S.Ct. 2052, 80 L.Ed.2d 74 (1984).

Krummel was convicted under 18 U.S.C. § 922(g) and subject to the penalty provisions of § 924(a)(2) and the general supervised release provisions of § 3583(b). United States v. Allison, 986 F.2d 896, 897 (5th Cir. 1993). Krummel was properly sentenced to a supervised release term of three years, see §§ 3559(a)(3), 3583(b)(2), and therefore cannot demonstrate that he was denied effective assistance of counsel.

AFFIRMED.