

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 92-7738
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JAMES C. SMITH,

Defendant-Appellant.

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Appeal from the United States District Court
for the Southern District of Mississippi
USDC No. CA-J92-0594 (L) (N)

- - - - -
June 23, 1993

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

PER CURIAM:*

James Clois Smith's challenge to his sentence under the Guidelines is not cognizable in a 28 U.S.C. § 2255 motion. United States v. Perez, 952 F.2d 908, 909-10 (5th Cir. 1992). The district court resolved the claim concerning the length of Smith's term of supervised release in his favor; no further action by this Court is required. Smith's other allegations of ineffective counsel were not raised in his § 2255 motion to the district court. Issues raised for the first time on appeal are

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

not reviewable by this Court unless they involve purely legal questions and failure to consider them would result in manifest injustice. United States v. Sherbak, 950 F.2d 1095, 1101 (5th Cir. 1992). Smith's claims of ineffective assistance of counsel are not purely legal issues, thus precluding the Court's review.

AFFIRMED.