

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 92-8341
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

PATRICIA ANN SHAW,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Western District of Texas
USDC No. W-92-CA-59

- - - - -
(January 21, 1993)

Before GARWOOD, SMITH, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:*

Section 2255 provides recourse only "for transgressions of constitutional rights and for that narrow compass of other injury that could not have been raised on direct appeal and, would, if condoned, result in a complete miscarriage of justice." United States v. Perez, 952 F.2d 908, 909 (5th Cir. 1992)(quoting United States v. Capua, 656 F.2d 1033, 1037 (5th Cir. 1981)). In her § 2255 motion and appellate brief, Shaw does not make any

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

constitutional argument** or suggest any reason why affirmance of the district court's denial of relief may result in a miscarriage of justice. Her contentions could have been raised on direct appeal. Accordingly, Shaw's claims do not constitute grounds for § 2255 relief. See id. at 909-910. The district court's dismissal of Shaw's motion is AFFIRMED.

** Shaw argues that her guilty plea was not voluntary because the weight of methamphetamine used to calculate her sentence was not included in her plea, or the PSR. Appellant's brief, 6. Shaw advances a due process issue. See United States v. Briggs, 939 F.2d 222, 227 (5th Cir. 1991). Aside from its total lack of merit, Shaw's claim is raised for the first time on appeal; therefore, it need not be considered by this Court. See, e.g., United States v. All Star Industries, 962 F.2d 465, 476 (5th Cir.), cert. denied, 113 S.Ct. 377 (1992).