IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 93-2428
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

CARLOS ALBERTO QUINTERO-HOYAS,

Defendant-Appellant.

- - - - - - - - - -

Appeal from the United States District Court
for the Southern District of Texas
USDC No. CA-H-93-484 (CR-H-87-320-1)

- - - - - - - - - -

(January 6, 1994)

Before GARWOOD, JOLLY, and BARKSDALE, Circuit Judges

PER CURIAM:[*]

Carlos Alberto Quintero-Hoyos (Quintero) appeals the district court's denial of his 28 U.S.C. § 2255 motion. He argues that the amended U.S.S.G. § 3E1.1 must be applied to his sentence.

Relief under § 2255 is reserved for violations of a defendant's constitutional rights and for a narrow range of injuries that could not have been raised on direct appeal and would, if condoned, result in a complete miscarriage of justice.

---

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

United States v. Capua, 656 F.2d 1033, 1037 (5th Cir. 1981). "A district court's technical application of the guidelines does not give rise to a constitutional issue." United States v. Vaughn, 955 F.2d 367, 368 (5th Cir. 1992). Quintero's contention is a challenge to the technical application of the Guidelines. Therefore, the district court's denial of the § 2255 motion was not improper.

Moreover, even if Quintero's arguments regarding the retroactive application of 3E1.1** are reviewable on a § 2255 motion, they have no merit. The amendment to the acceptance-of-responsibility provision took effect after Quintero was sentenced. The amendment is not retroactive. U.S. v. Crain, No. 92-3869 (5th Cir. June 22, 1993) (unpublished).

Quintero states that the court erred in failing to review his § 2255 motion de novo and by failing to make factual findings on his objections to the PSR. Because he has not provided supporting authority and has not discussed these issues in his appellate brief, he has effectively abandoned these issues on appeal. See Brinkmann v. Dallas County Deputy Sheriff Abner, 815 F.2d 744, 748 (5th Cir. 1987).

AFFIRMED.

** Quintero inadvertently refers to § 3E1.1(2) when he actually is referring to amended § 3E1.1(b) which provides for the additional one-point reduction.