

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 93-8418
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

WILLIAM LEE GRILLOS,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Western District of Texas
USDC No. MO-92-CA-163 (MO-92-CR-018)

- - - - -
(May 19, 1994)

Before HIGGINBOTHAM, BARKSDALE, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:*

William Lee Grillos appeals the district court's denial of his 28 U.S.C. § 2255 motion. We AFFIRM.

"A defendant can challenge his conviction after it is presumed final only on issues of constitutional or jurisdictional magnitude." United States v. Shaid, 937 F.2d 228, 232 (5th Cir. 1991) (en banc), cert. denied, 112 S.Ct. 978 (1992). Grillos does not argue that the district court erred in failing to inform him of possible additional imprisonment, or that he was unaware of this possible imprisonment, upon revocation of supervised

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

release. See Fed. R. Crim. P. 11(c)(1). Instead, he argues that the plea colloquy was technically imperfect because the court failed to state the number of years that this possible prison time might encompass. Failure to follow the technical requirements of Rule 11 is not a ground 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).

Because the issue argued by Grillos is "not of constitutional dimension and could have been asserted on direct appeal, he has failed to bring his claim[] within the limited scope of habeas relief under Section 2255." United States v. Capua, 656 F.2d 1033, 1038 (5th Cir. Unit A Sept. 1981).