IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 94-40100
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ANNIE PRATT,

Defendant-Appellant.

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Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 93-CV-338(1:89-cr-00157)

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(November 15, 1994)

Before JONES, DUHÉ, and PARKER, Circuit Judges.

PER CURIAM:[*]

In her motion to vacate, set aside, or correct her sentence brought under 28 U.S.C. § 2255, Annie Pratt contends that the district court failed to make factual findings on her objections to the presentence investigation report (PSR), in contravention of Fed. R. Crim. P. 32. Pratt could have raised her Rule 32 issue, a non-constitutional question, on direct appeal, and thus it is not cognizable in a § 2255 proceeding. United States v. Weintraub, 871 F.2d 1257, 1265-66 (5th Cir. 1989).

Pratt next contends that the district court erred in calculating the amount of drugs used for sentencing purposes.

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

Section 2255 "is reserved 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. Capua, 656 F.2d 1033, 1037 (5th Cir. Unit A Sept. 1981). Non-constitutional claims that could have been raised on direct appeal, but were not, may not be asserted in a collateral proceeding. Id.

Pratt does not make any constitutional argument or suggest any reason why the district court's sentence, which was imposed in accordance with her signed, written plea agreement, would result in a miscarriage of justice. Moreover, her contentions could have been raised on direct appeal. See United States v. Perez, 952 F.2d 908, 909 (5th Cir. 1992). Pratt has stated no grounds for § 2255 relief regarding this issue.

To the extent that Pratt argues that an amendment to U.S.S.G. § 1B1.3(a) mandates a lower sentence, that issue was not presented to the district court. This Court need not address issues not considered by the district court. "[I]ssues raised for the first time on appeal are not reviewable by this [C]ourt unless they involve purely legal questions and failure to consider them would result in manifest injustice." Varnado v. Lynaugh, 920 F.2d 320, 321 (5th Cir. 1991).

No manifest injustice is present. Pratt was sentenced in accordance with her signed, written plea agreement. She asserts no challenge to the validity of that agreement.

AFFIRMED.