UNITED STATES COURT OF APPEALS
for the Fifth Circuit

No. 94-50794
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

VERSUS

BRADFORD SATTERWHITE, III,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Texas
(A-94-CA-377 (A-90-CR-152))

(May 12, 1995)

Before DUHÉ, WIENER, and STEWART, Circuit Judges.

PER CURIAM:[1]

Appellant was convicted on his guilty plea of drug violations and sentenced. His conviction and sentence were affirmed on appeal.[2] He brought this § 2255 motion alleging numerous infirmities in his conviction and sentence in the district court but, on appeal, he briefs and argues only a claim of ineffective assistance of counsel in three respects. Accordingly, we do not consider his other claims. Yohey v. Collins, 985 F.2d 222, 225

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

[2] United States v. Satterwhite, 980 F.2d 317 (5th Cir. 1992).

(5th Cir. 1993); United States v. Brinkmann, 813 F.2d 744, 748 (5th Cir. 1987). We examine his ineffective assistance of counsel claims under the standard of Strickland v. Washington, 466 U.S. 668 (1984). We find them without merit.

Appellant contends first that trial counsel was ineffective for failing to object to the fact that the indictment was signed by an Assistant United States Attorney rather than the United States Attorney. This claim is without merit. Rule 7(c)(1) of the Federal Rules of Criminal Procedure requires that the indictment "be signed by the attorney for the government." Appellant cites no authority to the effect that the Assistant United States Attorney handling the case is not "the attorney for the government."

Next, Appellant argues that trial counsel was ineffective because he cited inapposite cases in his pretrial motions to suppress evidence. This argument is foreclosed by our decision in Appellant's direct appeal wherein we ruled that the issuance of the search warrant was supported by probable cause and that the search of Appellant's apartment was proper. Satterwhite, 880 F.2d at 321-23. Our decision on direct appeal precludes Appellant's contention concerning the same issue in this motion. United States v. Kalish, 780 F.2d 506, 508 (5th Cir.), cert. denied, 476 U.S. 118 (1986).

Finally, Appellant contends that appellate counsel cited inapposite cases in his appellate brief. He presumably refers to the fact that after counsel filed his brief on appeal, but before

oral argument, this Court issued an opinion which rendered his due process claim moot. This argument is without merit.

Appellant's contention that appellate counsel should have argued on appeal that the district court erred when it denied his motion to withdraw his guilty plea is not reviewable because Appellant failed to raise the issue in the district court. Varnado v. Lynaugh, 920 F.2d 320, 321 (5th Cir. 1991).

AFFIRMED.