

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-10648
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellant,

versus

ROLAND JACK HENDERSON,

Defendant-Appellee.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:90-CR-125-A
- - - - -

June 25, 1996

Before WIENER, EMILIO M. GARZA and PARKER, Circuit Judges.

PER CURIAM:*

Roland Jack Henderson appeals from the district court's denial of his motion under 28 U.S.C. § 2255. The district court did not commit reversible error in rejecting Henderson's contention that his counsel was ineffective for not challenging the district court's upward departure from the range of punishment calculated under the guidelines. See Spriggs v. Collins, 993 F.2d 85 (5th Cir. 1993).

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

Henderson's direct challenge to the application of the sentencing guidelines is not cognizable in a § 2255 motion. United States v. Vaughn, 955 F.2d 367, 368 (5th Cir. 1992).

AFFIRMED.