

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 95-20793  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JULIAN ESPARZA,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Texas  
(CR H 87 1, CA H 95 295)

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April 12, 1996

Before JOHNSON, DUHE and BENAVIDES, Circuit Judges.

Per Curiam:\*

Julian Esparza appeals from the district court's order denying his motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255. There is no merit to Esparza's claim that he was deprived of effective assistance of counsel because his counsel failed to call an expert witness or to challenge the testimony of certain witnesses. *Cf. Johnson v. Scott*, 68 F.3d 106, 111 (5th Cir. 1995), *petition for cert. filed*, (U.S. Jan. 16, 1996) (No. 95-7530) and *Alexander v. McCotter*, 775 F.2d 595, 602 (5th Cir. 1985).

Esparza's remaining issues are procedurally barred. *See United States v. Drobny*, 955 F.2d 990, 994-95 (5th Cir. 1992).

We do not address Esparza's arguments that his counsel failed to prepare a defense for

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\* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

trial, consult with Esparza, present Esparza's version of the facts, investigate the facts, interview witnesses, review the Government's evidence, impeach the Government's witnesses, and object to the documentary evidence because they are all raised for the first time in Esparza's reply brief.

*See United States v. Prince*, 868 F.2d 1379, 1386 (5th Cir.), *cert. Denied*, 493 U.S. 932 (1989).

AFFIRMED.