

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-40216
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

GERYLE EUGENE PETERSON,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. CA-L-92-236
- - - - -

December 20, 1995

Before DAVIS, BARKSDALE, and DeMOSS, Circuit Judges.

PER CURIAM:*

Geryle Eugene Peterson appeals from the district court's order denying his motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255. He contends that he was deprived of his Sixth Amendment right to effective assistance of counsel at trial and at sentencing, and that the district court erred in denying the § 2255 motion without an evidentiary hearing. We have reviewed the record and the district court's memorandum and find no

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 Pursuant to that Rule, the court has determined that this opinion should not be published.

reversible error. Peterson has not demonstrated that he was prejudiced by counsel's performance. See Strickland v. Washington, 466 U.S. 668, 687-88 (1984); Lockhart v. Fretwell, 506 U.S. 364 (1993); Spriggs v. Collins, 993 F.2d 85, 88 (5th Cir. 1993). And, an evidentiary hearing was not required. *E.g.*, ***U.S. v. Smith***, 915 F.2d 959, 964 (5th Cir. 1990).

AFFIRMED