

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-50086
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

RUDY DOMINGUEZ TALAMANTEZ,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Western District of Texas
USDC No. CA-SA-94-125
- - - - -

October 30, 1995

Before DAVIS, BARKSDALE and DeMOSS, Circuit Judges.

PER CURIAM:¹

Rudy Talamantez, who pleaded guilty to possession with the intent to distribute 500 grams or more of cocaine, appeals from the district court's denial of his 28 U.S.C. § 2255 motion to vacate, set aside, or correct his sentence. He asserts that the district court erred in its calculation of his criminal history category and base offense level, and that his trial counsel was ineffective. (Subsumed within these issues is Talamantez's claim that his right

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 Pursuant to that Rule, the court has determined that this opinion should not be published.

to due process was violated by the Government's "deliberate violation of the indictment and sentencing legal proceedings".)

We have reviewed the record and the district court's opinion and find no reversible error. Accordingly, we affirm for essentially the reasons given by the district court. United States v. Talamantez, No. CA-SA-94-125 (W.D. Tex. Jan. 23, 1995); see also, Magistrate Judge's Report and Recommendation, Dec. 12, 1994.²

AFFIRMED.

² Talamantez's motion for appointment of counsel is denied.