

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-50388

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ANTONIO MARTINEZ-CORTEZ,

Defendant-Appellant.

Appeal from the United States District Court for the
Western District of Texas

EP-94-CA-187-H

May 7, 1996

Before GARWOOD, HIGGINBOTHAM and BENAVIDES, Circuit Judges.*

PER CURIAM:

After considering the briefs and record, the Court concludes that the district court correctly denied relief under 28 U.S.C. § 2255. We are in essential agreement with the district court's reasoning. It is clear that the prejudice prong of *Strickland v. Washington*, 466 U.S. 668 (1984), is not met on the undisputed facts here. There was no need for an evidentiary hearing.

*Pursuant to Local Rule 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

AFFIRMED