

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-50446
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

RANULFO PINEDA,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Western District of Texas
USDC No. SA-94-CV-1018
- - - - -

November 16, 1995

Before DAVIS, BARKSDALE AND DeMOSS, Circuit Judges.

PER CURIAM:*

This is an appeal from the denial of appellant's motion to vacate, correct, or set aside his sentence under 28 U.S.C. § 2255. He argues that he did not knowingly and voluntarily waive his right to file § 2255 motions in his plea agreement; his guilty plea was not knowingly and voluntarily entered because written Spanish translations of the indictment and plea agreement were not provided; his sentence should be reduced under 18 U.S.C. § 3553(f);

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 Pursuant to that Rule, the court has determined that this opinion should not be published.

and the sentencing court violated Fed. R. Crim. P. 32 by sentencing him before a Presentence Report was prepared. For the first three claims, 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. Pineda, No. A-94-CV-1018 (W.D. Tex. May 31, 1995). We decline to address the last claim because it is raised for the first time in an appeal from the denial of a habeas corpus petition. United States v. Houston, 745 F.2d 333, 334 (5th Cir. 1984), cert. denied, 470 U.S. 1008 (1985). Because Appellant's motion for leave to file an out-of-time reply brief does not set forth any arguments that were not previously raised in appellant's brief, the motion is DENIED.

AFFIRMED.