

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-50465
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ROBERT MARTINEZ-GILL,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Western District of Texas
USDC No. SA-95-CV-43 (SA-90-CR-65)
- - - - -

December 1, 1995

Before KING, SMITH and BENAVIDES, Circuit Judges.

PER CURIAM:*

Robert Martinez-Gill (Gill) appeals the denial of his 28 U.S.C. § 2255 motion. Gill argues the merits of his § 2255 claims and contends that the district court erred by denying his motion for an injunction. To the extent that Gill argues that his counsel rendered ineffective assistance by failing to negotiate a provision into the plea agreement which would have limited the Government's subsequent use of the forty tapes, this argument is

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 Pursuant to that Rule, the court has determined that this opinion should not be published.

raised for the first time in Gill's reply brief. As such, we do not address it. See United States v. Jackson, 50 F.3d 1335, 1340 n.7 (5th Cir. 1995). We have reviewed the record and the district court's opinions and orders. We find no reversible error. Accordingly, we affirm for essentially the reasons given by the district court. See United States v. Martinez-Gill, No. SA-95-CV-43 (SA-90-CR-65) (W.D. Tex. Apr. 27, 1995).

Gill moves this court for leave to correct further his Fed. R. Civ. P. 60(b) motion which was denied by the district court. IT IS ORDERED that the motion is DENIED.

AFFIRMED.