

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-50859
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JERRY THOMAS MAXWELL,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Western District of Texas
USDC No. W-95-CA-145
- - - - -

November 6, 1996

Before JONES, DeMOSS and PARKER, Circuit Judges.

PER CURIAM:*

Jerry Thomas Maxwell appeals from the district court's denial of his motion under 28 U.S.C. § 2255. The district court did not commit reversible error in rejecting Maxwell's due process argument, which raises a factual issue concerning the amount of cocaine attributable to him. This issue was decided against him by this court in United States v. Thomas, 12 F.3d 1350 (5th Cir.), cert. denied, 114 S. Ct. 1861 (1994). See

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

United States v. Kalish, 780 F.2d 506, 508 (5th Cir.), cert. denied, 476 U.S. 1118 (1986). Nor did the district court err in rejecting Maxwell's contention that his counsel was ineffective for failing to require the district court to resolve disputed factual issues at the sentencing hearing. See Spriggs v. Collins, 993 F.2d 85, 88 (5th Cir. 1993).

AFFIRMED.