

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-50914
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ROBERTO BARRIOS-MARQUEZ,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Western District of Texas
USDC No. P-95-CV-27
- - - - -

September 18, 1996

Before JONES, DeMOSS and PARKER, Circuit Judges.

PER CURIAM:*

Roberto Barrios-Marquez, # 64496-080, appeals the district court's denial of his motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255. Barrios-Marquez argues that the district court erred because he was denied effective assistance of counsel and because his fourth amendment rights were violated. Barrios-Marquez contends that he was entitled to an evidentiary hearing on his § 2255 motion. We have reviewed

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. See United States v. Barrios-Marquez, No. P-95-CA-27 (W.D. Tx. Nov. 29, 1995).

Barrios-Marquez was not entitled to an evidentiary hearing on the asserted issues. See United States v. Briggs, 939 F.2d 222, 228-29 (5th Cir. 1991), cert. denied, 506 U.S. 1067 (1993). The judgment of the district court is AFFIRMED.

AFFIRMED.