

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 96-40340  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

RONALD LEE LEWIS,

Defendant-Appellant.

- - - - -  
Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. M-94-CV-223  
- - - - -

October 29, 1996  
Before SMITH, DUHÉ, and BARKSDALE, Circuit Judges.

PER CURIAM:\*

Ronald Lee Lewis appeals the district court's denial of his motion pursuant to 28 U.S.C. § 2255. Lewis argues that the indictment to which he pleaded guilty did not state an offense under 18 U.S.C. § 531(a) because the indictment failed to allege that Lewis intended to defraud someone other than the security issuer. Assuming, arguendo, that such is an essential element of the offense, the indictment was not constitutionally insufficient

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\* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

under the maximum-liberality analysis espoused in United States v. Fitzgerald, 89 F.3d 218, 221-22 (5th Cir. 1996). Accordingly, we AFFIRM the district court's denial of Lewis's motion. Lewis's motions to expedite, to amend his brief, and to view the sealed sentencing recommendation all are DENIED.