

**UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 96-50087
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

SIDNEY TODD STEWARDSON,

Defendant-Appellant.

Appeal from the United States District Court
For the Western District of Texas
(A-95-CV-620)

July 18, 1996

Before POLITZ, Chief Judge, WIENER and DENNIS, Circuit Judges.

PER CURIAM:*

Sidney Todd Stewardson appeals the dismissal of his motion to vacate, set aside, or correct his sentence under 28 U.S.C. § 2255. Stewardson contends that he was rendered ineffective assistance of counsel because his counsel failed to appeal the district court's inclusion of a two-level enhancement under U.S.S.G. § 2D1.1(b)(1). Our review of the record discloses no reversible error. We affirm the denial of the section 2255 motion for essentially the reasons assigned by the

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

district court.¹

Stewardson contends, for the first time on appeal, that he was denied effective assistance of counsel because his trial lawyer: (1) allowed him to enter a guilty plea to an alleged insufficient indictment; (2) failed to object to the calculation of the drugs; and (3) failed to object to the district court's application of section 2D1.1. Finding no clear and obvious error we must decline consideration of this assignment of error.²

AFFIRMED.

¹**Stewardson v. United States**, No. A-90-CR-039(5) (W.D.Tex. Jan. 19, 1996).

²**Highlands Ins. v. National Union Fire Ins.**, 27 F.3d 1027 (5th Cir. 1994) (applying the standard of **United States v. Calverley**, 37 F.3d 160 (5th Cir. 1994) (*en banc*), cert. denied, 115 S.Ct. 1266 (1995) to civil cases), cert. denied, 115 S.Ct. 903 (1995).