

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-50558
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

FIDEL SILVA,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Western District of Texas
USDC No. A-96-CA-26
- - - - -

January 6, 1997

Before REAVLEY, JONES and STEWART, Circuit Judges.

PER CURIAM:*

Fidel Silva, federal prisoner #56273-080, appeals from the district court's denial of his motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255. He argues that the evidence is insufficient to support his conviction for using or carrying a firearm in relation to a drug-trafficking crime based upon the Supreme Court's decision in Bailey v. United States, 116 S. Ct. 501 (1995). We have reviewed the record and

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

find no reversible error. Accordingly, the judgment is AFFIRMED for essentially the reasons stated by the district court. See Silva v. United States, No. A-96-CA-026 (W.D. Tex. July 8, 1996).

This court has not yet determined whether a certificate of appealability ("COA") is required under the circumstances of this appeal. See 28 U.S.C. § 2253. If a COA were required, it would be DENIED.