

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 96-50804  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

LINDA GANN,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. SA-95-CR-352-5  
- - - - -

April 16, 1997

Before REAVLEY, DAVIS, and BARKSDALE, Circuit Judges.

PER CURIAM:\*

Linda Gann pleaded guilty to aiding and abetting a wire-fraud conspiracy. Gann waived the right to appeal her sentence unless she received an upward departure or the issue related to ineffective assistance of counsel. Gann contends that the district court deprived her of the effective assistance of counsel by denying her motion for funds to secure the testimony of a court-appointed psychologist at her sentencing hearing.

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\* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

Even if it is presumed that Gann has raised an ineffectiveness claim, she has failed to demonstrate the prejudice necessary to establish ineffective assistance of counsel. Strickland v. Washington, 466 U.S. 668, 694 (1984); see Lincecum v. Collins, 958 F.2d 1271, 1279-80 (5th Cir. 1992) (speculative allegations of prejudice do not establish ineffective assistance of counsel). Accordingly, Gann's sentence is AFFIRMED.