

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-60300
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

CLAUDE H. ANDREWS,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Southern District of Mississippi
USDC No. 1:95-CV-164-GR
- - - - -

February 6, 1997

Before SMITH, DUHÉ, and BARKSDALE, Circuit Judges.

PER CURIAM:*

Claude H. Andrews (#02767-043) appeals the denial of his motion under 28 U.S.C. § 2255. Andrews contends that his attorney rendered ineffective assistance in failing to conduct an adequate investigation and in failing to call certain witnesses in his case in chief and on rebuttal. We have carefully reviewed the record and the arguments of the parties and hold that Andrews has failed to show that his attorney's representation was

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

professionally unreasonable and that he was prejudiced. See Alexander v. McCotter, 775 F.2d 595, 602 (5th Cir. 1985).

Andrews contended in the district court that his attorney rendered ineffective assistance in failing to object to prejudicial comments by the prosecutor. Andrews has waived this issue by failing to brief it on appeal. See Brinkmann v. Dallas County Deputy Sheriff Abner, 813 F.2d 744, 748 (5th Cir. 1987).

Andrews argues in his reply brief that the district court erred in failing to hold an evidentiary hearing. This court does not consider issues raised for the first time in a reply brief. See United States v. Prince, 868 F.2d 1379, 1386 (5th Cir.), cert. denied, 493 U.S. 932 (1989).

The district court's judgment is AFFIRMED.