

UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 97-10333  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

VERSUS

JOHN THOMPSON,

Defendant-Appellant.

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Appeal from the United States District Court  
For the Northern District of Texas

(3:95-CV-2231-H)

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February 12, 1998

Before JOLLY, BENAVIDES, and PARKER

PER CURIAM:\*

Federal prisoner John Thompson appeals the district court's denial of his motion to vacate, set aside, or correct his sentence, pursuant to 28 U.S.C. § 2255. Thompson argues that his trial attorney was ineffective because he labored under a conflict of

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\*Pursuant to 5TH CIR. R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

interest that prevented him from effectively cross-examining the government's principal witness. He also contends that the evidence was insufficient to support his conviction because the government failed to prove that the financial institutions he robbed were federally insured.

We have carefully reviewed the record and the briefs. Thompson has failed to show that there was an actual conflict of interest that adversely affected his attorney's performance at trial. United States v. Placente, 81 F.3d 555, 558 (5th Cir. 1996). Thompson's challenge to the sufficiency of the evidence was never raised in his § 2255 motion filed before the district court. Because the issue is being raised for the first time on appeal, it will not be considered. See United States v. Madkins, 14 F.3d 277, 279 (5th Cir. 1994).

Accordingly, the district court's judgment denying Thompson's § 2255 motion is AFFIRMED.