

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

---

No. 97-11246  
Conference Calendar

---

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

RAMIRO ENRIQUEZ,

Defendant-Appellant.

- - - - -  
Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 3:97-CV-979-R  
- - - - -

December 9, 1998

Before DAVIS, DeMOSS, and STEWART, Circuit Judges

PER CURIAM:\*

Federal prisoner Ramiro Enriquez (#20677-080) was granted a certificate of appealability (COA) solely with respect to his 28 U.S.C. § 2255 claim that his appellate counsel was ineffective for failing to challenge on appeal the sentencing court's application of U.S.S.G. § 4A1.1(d) in computing his criminal history. After the grant of COA, the Government supplemented the record with probation records establishing that Enriquez was on probation when he committed the offense of conviction. Thus, Enriquez's claim that his appellate counsel was ineffective is

---

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

without merit. See Strickland v. Washington, 466 U.S. 668, 687 (1984). Enriquez's contention that because the documents submitted by the Government indicate a deferred-adjudication proceeding, there was no "adjudication of guilt" for purposes of criminal-history computation is without merit. See United States v. Giraldo-Lara, 919 F.2d 19, 22 (5th Cir. 1990).

The district court's denial of Enriquez's § 2255 motion is AFFIRMED. Enriquez's motion to supplement the record is DENIED.

AFFIRMED. MOTION DENIED.