

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 00-30230
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

CHARLES RAY BURTON,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 98-CV-426
USDC No. 95-CR-60048-1

October 25, 2001

Before WIENER, BENAVIDES, and DENNIS, Circuit Judges.

PER CURIAM:*

Charles Ray Burton, federal prisoner #09147-035, appeals from the denial of his 28 U.S.C. § 2255 motion. He contends that counsel was ineffective for failing to object to his characterization as a career offender and that the district court did not actually conduct de novo review of the magistrate judge's report when denying his § 2255 motion. The district court, which resentenced Burton on the basis that he was not a career offender, granted Burton a certificate of appealability (COA)

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

solely on the issue whether Burton was a career offender. Burton does not seek an expansion of the COA grant by this court to encompass the issues he now urges; we therefore may not consider those contentions. *United States v. Kimler*, 150 F.3d 429, 431 (5th Cir. 1998); *Lackey v. Johnson*, 116 F.3d 149, 152 (5th Cir. 1997).

APPEAL DISMISSED. 5TH CIR. R. 42.2.