

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 00-50069
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

DEE ANN WEST,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. EP-95-293-2-DB

May 16, 2001

Before DAVIS, JONES, and DeMOSS, Circuit Judges.

PER CURIAM:*

West has taken an out-of-time appeal from her 1995 convictions for various drug-related offenses. West contends that the district court violated her rights to due process and to effective assistance of trial counsel in refusing to authorize funding of her handwriting and polygraph experts in an amount greater than the compensation provided under the Criminal Justice Act, 18 U.S.C. § 3006A(e)(3). West has failed to show that the expert testimony pertained to evidence which was "both critical to the conviction and subject to varying expert opinion." Yohey

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

v. Collins, 985 F.2d 222, 227 (5th Cir. 1993) (internal quotation marks omitted). West has also failed to show that the district court abused its discretion in refusing to continue the trial. See United States v. Shaw, 920 F.2d 1225, 1230 (5th Cir. 1991). Previously, we held that we do not have jurisdiction to determine whether the district court erred in refusing to sever the trial. See United States v. West, 240 F.3d 456, 462 (5th Cir. 2001).

The judgment is AFFIRMED.