

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 94-20594
(Summary Calendar)

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

DAMON DOWNS,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
(CA-H-94-1579(CR-H-93-27-1))

November 16, 1995
Before WIENER, PARKER and DENNIS, Circuit Judges.

PER CURIAM:*

Appellant appeals from the district court's orders denying his 28 U.S.C. § 2255 motions for post-conviction relief. He argues, inter alia, that an element of the offense was omitted from both the indictment and the plea colloquy and that the district court

* Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the court has determined that this opinion should not be published.

should have considered his supplemental § 2255 motion. We have reviewed the record and the district court's opinions and find no reversible error. Accordingly, we affirm based on the reasoning of the district court. United States v. Downs, No. H-94-1579 (S.D. Tex. Mar. 2, 1995 & Aug. 2, 1995).

AFFIRMED.