UNITED STATES COURT OF APPEALS
for the Fifth Circuit

No. 95-10627

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

VERSUS

JOSE MANUEL MALFAVON; JESUS HINOJOSA CASTILLO,
a/k/a Chuey,

Defendants-Appellants.

Appeal from the United States District Court
for the Northern District of Texas
(3:94-CR-00170)

May 12, 1997

Before DAVIS, STEWART and PARKER, Circuit Judges.

PER CURIAM:*

In this direct criminal appeal, appellant Castillo makes three arguments: (l) the evidence was insufficient to support his convictions for conspiracy and for using a telephone to facilitate the conspiracy; (2) the trial court erred in refusing to decrease Castillo's offense level because he was a minor or minimal participant in the conspiracy; (3) the conviction should be reversed because he received ineffective assistance of counsel.

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*Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

Our review of the record persuades us that the evidence was sufficient to convict Castillo on both the conspiracy count and the use of a telephone to facilitate a drug conspiracy. The sentencing court did not abuse its discretion in declining to decrease Castillo's offense level based on a minor or minimal role in the conspiracy. We follow the general rule and decline to consider Castillo's contention in this direct appeal that he was denied the effective assistance of trial counsel.

As to Malfavon's contention that he was denied the effective assistance of trial counsel, we also decline to review that argument in this direct criminal appeal.

AFFIRMED.