

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-11023
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

SAMUEL VALENZUELA RAMIREZ,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:90-CR-056
- - - - -

June 27, 1996

Before HIGGINBOTHAM, BARKSDALE, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Samuel Ramirez, #20163-077, appeals the denial of his § 2255 motion based on the district court's factual finding that Ramirez did not request his attorney to file a direct criminal appeal. Although Ramirez and his attorney, Daniel Hurley, presented conflicting evidence, the factfinder's choice between these two conflicting accounts cannot be clearly erroneous. See Anderson v. City of Bessemer City, 470 U.S. 564, 573-74 (1985).

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

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AFFIRMED.