

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-40631
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ANTONIA BERRY, also known as Tony,

Defendant-Appellant.

Appeal from the United States District Court
for the Eastern District of Texas
(1:92-CR-93-1)

February 23, 1996
Before JOLLY, JONES and STEWART, Circuit Judges.

PER CURIAM:*

Appellant Antonio Berry appeals from the district court's denial of his motion for a new trial, filed pursuant to Fed. R. Crim. P. 33. He contends that he recently learned that, under a local rule of the United States District Court for the Eastern District of Texas, his trial attorney was not qualified to practice law in that court, and that the attorney was thus per se ineffective. We have reviewed the record and the district court's

*Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

decision and find no reversible error. The local rule to which Berry refers is not "newly discovered evidence", and his counsel was properly admitted to the court in this case. Other issues are presented by Berry for the first time on appeal, and we decline to review them. Accordingly, we affirm for essentially the reasons given in the district court's decision. Berry v. United States, No. 1:92-CR-93-1 (E.D. Tex. July 13, 1995).

AFFIRMED.