

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 95-50398  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

GERALD GUERRA,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. SA-93-CV-1033  
- - - - -

December 20, 1995

Before DAVIS, STEWART, and PARKER, Circuit Judges.

PER CURIAM:\*

Appellant appeals from the district court's order denying his 28 U.S.C. § 2255 motion for post-conviction relief. He argues that the Government breached the plea agreement, that the use of a prior conviction in sentencing violated the double jeopardy clause, and that counsel was ineffective. Appellant has abandoned his claims that the Government failed to file an information for enhancement and that counsel was ineffective for

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\* Local Rule 47.5.1 provides: "The publication of opinions that 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 Pursuant to that Rule, the court has determined that this opinion should not be published.

not objecting to the alleged failure. See Hobbs v. Blackburn, 752 F.2d 1079, 1083 (5th Cir.), cert. denied, 474 U.S. 838 (1985). We have reviewed the record and the district court's opinion and find no reversible error. Accordingly, we affirm on the reasoning of the district court. United States v. Guerra, No. SA-93-CA-1033 (W.D. Tex. Mar. 27, 1995).

AFFIRMED.