IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-50900
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JOHNNY M. GONZALES,

Defendant-Appellant.

- - - - - - - - - -
Appeal from the United States District Court
for the Western District of Texas
USDC No. A-95-CV-388
- - - - - - - - - -
August 1, 1996

Before GARWOOD, WIENER and PARKER, Circuit Judges.

PER CURIAM:*

Johnny M. Gonzales appeals from the district court's denial of his motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255. Gonzales argues that he received ineffective assistance of trial counsel. We have reviewed the record and find no reversible error. Accordingly, we AFFIRM for essentially the reasons adopted by the district court. See United States v. Gonzales, No. A-95-CV-388 (W.D. Tex. Oct. 10,

---

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

1995). Gonzales's assertion that trial counsel refused to allow him to testify on his own behalf, raised for the first time in this appeal, is reviewed for plain error. Nothing in the record or in Gonzales's allegations before the district court reviewing his federal habeas motion would have alerted the court to this asserted error. Because Gonzales has failed to show that the alleged error was clear and obvious to the district court, his assertion on appeal is without merit.

AFFIRMED.