

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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Nos. 95-11099 & 96-10217  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

GARY WAYNE MINTER,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 4:95-CV-499-A  
- - - - -

July 18, 1997

Before JONES, DeMOSS and PARKER, Circuit Judges.

PER CURIAM:\*

Gary Wayne Minter 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 and from the district court's partial grant of his motion for reduction of sentence pursuant to 18 U.S.C. § 3582. He argues that the district court abused its discretion with regard to the extent of the reduction it ordered to his sentence, that he was denied his statutory right to notice

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

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of a possible sentence enhancement, that the district court erred in its application of the sentencing guidelines, that his sentence was calculated in violation of the Ex Post Facto Clause, and that he received ineffective assistance of counsel because his attorney failed to object to these issues or to raise them on direct appeal. We have reviewed the record and find no reversible error. Accordingly, the judgment of the district court is AFFIRMED. To the extent that a certificate of appealability is required, it is DENIED.