

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-10241
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

CHRISTOPHER LEE,

Defendant-Appellant.

Appeal from the United States District Court for the
Northern District of Texas
3:95-CR-351-G)

October 10, 1996

Before HIGGINBOTHAM, WIENER, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Christopher Lynn Lee appeals his guilty-plea conviction and sentence for two counts of using and carrying a firearm during and in relation to a crime of violence, in violation of 18 U.S.C. § 924(c)(1). Lee argues that the district court abused its

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

discretion in denying his motion to disqualify defense counsel and appoint substitute counsel.

We have reviewed the record and the district court's oral ruling of February 27, 1996, and find no reversible error. Lee's claim of conflict of interest is based upon the relationship between attorney Carroll and attorney McLarty as it relates to pursuing a motion to withdraw his plea of guilty. Inasmuch as the district court correctly determined that attorney Carroll was not ineffective and that there was no basis upon which to grant Lee's motion to withdraw, there was no basis upon which to disqualify attorney McLarty. Lee was not denied conflict-free counsel when attorney McLarty did not pursue a meritless motion to withdraw.

Accordingly, we AFFIRM essentially on the same reasoning as the district court.