

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

---

No. 96-10248

---

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

RICHARD GREY KIRBY,

Defendant-Appellant.

---

Appeal from the United States District Court  
for the Northern District of Texas, Dallas  
(3:92-CR-341-P)

---

February 17, 1997

Before HIGGINBOTHAM, DAVIS, and BARKSDALE, Circuit Judges.

PER CURIAM:\*

We affirm the denial of Kirby's petition filed under 28 U.S.C., Section 2255. We agree with United States v. Hare, 49 F.3d 447 (8th Cir.), cert. denied, 116 S. Ct. 211 (1995).

---

\* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.