

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-20108
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ASHOK KUMAR KHANNA,

Defendant-Appellant.

Appeal from the United States District Court for the
Southern District of Texas
(H-94-CV-3853)

October 31, 1996

Before HIGGINBOTHAM, WIENER, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Ashok Kumar Khanna, federal prisoner # 46985-079, appeals the denial of his 28 U.S.C. § 2255 motion to vacate. He argues that the district court erred in granting the Government's motion for summary judgment and in denying him an evidentiary hearing on his

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

claims of ineffective assistance of counsel based on counsel's advice to go to trial and to stand by his trial testimony at sentencing. We have reviewed the record, the district court's opinion, and appellant's brief and find no reversible error. Accordingly, we affirm for the reasons given by the district court. United States v. Khanna, No. H-88-190 (S.D. Tex. Dec. 11, 1995). Khanna's argument that counsel was ineffective for advising him to stand by his trial testimony is deemed abandoned for failure to brief it adequately. See Brinkmann v. Dallas County Deputy Sheriff Abner, 813 F.2d 744, 748 (5th Cir. 1987).

AFFIRMED.