

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 98-20270 cons/w  
No. 98-20750  
Summary Calendar

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CHRISTOPHER JOSEPH SALAZAR, II,

Petitioner-Appellant,

versus

GARY L. JOHNSON, Director,  
Texas Department of Criminal Justice,  
Institutional Division,

Respondent-Appellee.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. H-94-CV-3902  
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December 19, 2000

Before DAVIS, JONES, and DeMOSS, Circuit Judges.

PER CURIAM:\*

Christopher Joseph Salazar, II, Texas prisoner #412334, appeals from the denial of his application for federal habeas corpus relief. Salazar argues that his counsel was constitutionally ineffective for failing to inform him of his right to appeal his guilty-plea conviction for aggravated robbery.

We have reviewed the record, the briefs of the parties, and the applicable law, and we find no reversible error. Salazar

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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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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did not instruct his counsel to file an appeal, and he suggests no basis for finding that a rational defendant would have wished to file an appeal in this case. Accordingly, he cannot demonstrate prejudice from any alleged deficiency by counsel. See Roe v. Flores-Ortega, 120 S. Ct. 1029, 1039 (2000). The failure to establish prejudice defeats Salazar's ineffective-assistance-of-counsel claim. See Strickland v. Washington, 466 U.S. 668, 697 (1984).

The judgment of the district court is **AFFIRMED**.