

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-10687
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

KERRY BLAKE LONG,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
USDC No. 7:94-CV-100-J
- - - - -

April 02, 1998

Before JOLLY, BENAVIDES, and PARKER, Circuit Judges.

PER CURIAM:*

Kerry Long, prisoner # 21772-077, appeals the district court's denial of his 28 U.S.C. § 2255 motion. He argues that he should have begun serving his federal sentence for theft of government property before serving his Oklahoma state sentence for sexual activity with a minor. He was convicted and sentenced on the state charge after the issuance of his federal sentence. He also argues that, because the federal sentencing court did not

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

specify that his federal sentence should run consecutively to his

yet to be imposed state sentence, the sentences should be presumed to run concurrently.

Long's arguments are foreclosed by this court's decision in Causey v. Civiletti, 621 F.2d 691, 692-94 & ns.2 & 3 (5th Cir. 1980). His motions for appointment of appellant counsel and to supplement the record with additional evidence are DENIED.

AFFIRMED.