

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 97-50507  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

NORRIS LOUIS McGRAW,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. MO-96-CV-171  
USDC No. MO-93-CR-58-1  
- - - - -

July 9, 1999

Before DAVIS, DUHE', and PARKER, Circuit Judges.

PER CURIAM:\*

Norris Louis McGraw, federal prisoner #60689-079, appeals from the denial of his motion for relief pursuant to 28 U.S.C. § 2255. McGraw contends that trial and appellate counsel were ineffective for failing to properly challenge the vulnerable-victim adjustment to his offense level and for failing to challenge the district court's restitution order.

The district court's finding that McGraw's victims were vulnerable was not clearly erroneous. *United States v. Leonard*, 61 F.3d 1181, 1188 (5th Cir. 1995). McGraw therefore cannot

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

prevail on his contention that trial and appellate counsel were ineffective for failing to object to the adjustment.

Neither we nor the trial court granted McGraw a certificate of appealability (COA) on the issue whether trial and appellate counsel were ineffective for failing to challenge the restitution order in McGraw's case. We therefore lack jurisdiction to consider McGraw's contention. *See Whitehead v. Johnson*, 157 F.3d 384, 388 (5th Cir. 1998).

AFFIRMED.