

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 97-60024  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

TOMMY C. MARSH,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Mississippi  
USDC No. 4:96-CV-33 W  
- - - - -

May 27, 1998

Before KING, HIGGINBOTHAM, and DAVIS, Circuit Judges.

PER CURIAM:\*

Tommy C. Marsh, federal prisoner #03426-043, appeals from the district court's denial of his 28 U.S.C. § 2255 motion. He argues that the district court erred by denying his claim that his conviction for using and carrying a firearm in relation to a drug trafficking crime, 18 U.S.C. § 924(c), should be reversed in light of the Supreme Court's decision in Bailey v. United States, 516 U.S. 137 (1995). We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

by the district court. See United States v. Marsh, No. 4:96-CV-33 W (S.D. Miss. Dec. 31, 1996). Marsh's contention that he received ineffective assistance of trial counsel, raised for the first time on appeal, does not rise to the level of plain error. See Douglass v. United Services Auto. Ass'n, 79 F.3d 1415, 1429 (5th Cir. 1996)(en banc). The judgment of the district court is AFFIRMED. Marsh's motion to enlarge the record on appeal is DENIED.

JUDGMENT AFFIRMED; MOTION DENIED.