

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-11357
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

RONALD JOSEPH PUMA, also known as Ronny Puma,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
USDC Nos. 2:97-CV-159
2:89-CR-029-2

- - - - -
February 17, 2000

Before EMILIO M. GARZA, BENAVIDES, and DENNIS, Circuit Judges.

PER CURIAM:*

Ronald Joseph Puma, federal prisoner # 19431-077, appeals from the district court's judgment denying his request for relief under 28 U.S.C. § 2255. We have reviewed the record and the briefs of the parties, and we AFFIRM the district court's decision essentially for the reasons set forth in the magistrate judge's report and recommendation and in the district court's order adopting the recommendation. See United States v. Puma, No. 2:89-CR-0029(02) (N.D. Tex. Sep. 28, 1998). Puma's allegations of ineffective assistance of counsel do not rise to

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

the standard set out in Strickland v. Washington, 466 U.S. 668, 689-94 (1984). Resolving his allegation of a due process violation based on a coconspirators's perjured testimony is unnecessary because even if he could establish that the testimony was perjurious, he failed to make any showing that the Government knew that the testimony was untrue. See Smith v. Black, 904 F.2d 950, 961 (5th Cir. 1990). Finally, Puma's challenge to the trial court's application of U.S.S.G. § 3B1.1 is not cognizable in a § 2255 proceeding.

AFFIRMED.