

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 98-40929  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

DANNY JAMES ANTOINE,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Eastern District of Texas  
USDC No. 1:96-CV-22  
- - - - -

June 16, 1999

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

PER CURIAM:\*

Danny James Antoine, federal prisoner # 08011-035, appeals the district court's denial of his 28 U.S.C. § 2255 motion.

Antoine argues that he was provided ineffective assistance of counsel prior to pleading guilty because his counsel did not file a motion to suppress. Antoine must prove he was prejudiced by his counsel's alleged deficient performance by showing a reasonable probability that, but for counsel's errors, he would not have pleaded guilty and would have insisted on going to

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

trial. See Hill v. Lockhart, 474 U.S. 52, 59 (1985). Antoine has not explained how he was prejudiced by his trial counsel's failure to file a motion to suppress. The district court did not err when it denied Antoine's motion under 28 U.S.C. § 2255.

AFFIRMED.