

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-50625
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

LEROY HUDGINS,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Western District of Texas
USDC No. MO-98-CR-20-1
- - - - -

May 12, 1999

Before POLITZ, BARKSDALE, and STEWART, Circuit Judges.

PER CURIAM:*

Leroy Hudgins appeals the district court's enhancement of his sentence pursuant to U.S.S.G. § 3C1.1, upon a finding that he perjured himself while testifying at his trial. We AFFIRM.

There is no merit to Hudgins' contention that he was denied the effective assistance of counsel as a result of the lack of an objective standard applicable to such enhancements. See U.S.S.G. § 3C1.1, comment. (nn.1, 3(b)); United States v. Dunnigan, 507 U.S. 87, 92-96 (1993).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Hudgins contends that a defendant's denial of guilt while testifying at his trial should not be grounds for the enhancement. This lacks merit because "a defendant's right to testify does not include a right to commit perjury." Dunnigan, 507 U.S. at 96.

Hudgins asserts conclusionally that the district court's findings in support of the enhancement are legally insufficient. Hudgins in effect has abandoned this claim by failing to brief it. See Al-Ra'id v. Ingle, 69 F.3d 28, 33 (5th Cir. 1995).

AFFIRMED.