

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-60743
USDC Nos. 3:97-CV-60 &
4:93-CR-021-D

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

PERRY WILLIAMS,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of Mississippi

December 13, 1999

Before HIGGINBOTHAM, DeMOSS and STEWART, Circuit Judges.

PER CURIAM:*

Perry Williams, federal prisoner # 09800-042, moves this court for a certificate of appealability (COA) following the district court's denial of his 28 U.S.C. § 2255 motion to set aside his sentence. This court issues a COA only if the prisoner makes a substantial showing of the denial of a constitutional right. 28 U.S.C. § 2253(c)(2). Williams fails to make this necessary showing with his claims that he received ineffective assistance of counsel and that the district court misapplied the sentencing guidelines by imposing a three-level increase in his offense level based upon his managerial role in the offense. Accordingly, Williams' request for a COA is DENIED.

Williams' contention that he is entitled to relief on authority of 18 U.S.C. § 3582(c)(2) has no merit. Therefore, the district court's denial of relief on this claim is AFFIRMED.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

COA DENIED; DENIAL OF § 3582 RELIEF AFFIRMED.