

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-30369
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

MICHAEL J. BATTAGLIA,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Louisiana
USDC Nos. 95-CV-180
& 89-CR-30012-ALL

January 26, 2000

Before SMITH, BARKSDALE, and PARKER, Circuit Judges.

PER CURIAM:*

Michael J. Battaglia appeals the district court's denial of his § 2255 motion. He argues that the district court erred in determining that his counsel's conflict of interest did not have an adverse affect on his defense and in not holding an evidentiary hearing on this issue. See Perillo v. Johnson, 79 F.3d 441, 449 (5th Cir. 1996). The district court did not so err. Accordingly, the judgment of the district court 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.