

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-41131
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JOSEPH JAMES FALCETTA, JR.,

Defendant-Appellant.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 6:96-CR-59-1

August 24, 2000

Before KING, Chief Judge, and POLITZ and WIENER, Circuit Judges.

PER CURIAM:*

Joseph James Falcetta, Jr., Texas prisoner #822477, appeals the denial of his motion for a new federal trial based on newly discovered evidence concerning a videotaped statement used in his state trial. Falcetta argues that the videotape was altered, that he was entitled to a hearing on the matter, and that he received ineffective assistance of counsel. The district court did not abuse its discretion in denying Falcetta's motion because he had pleaded guilty. See United States v. Wise, 179 F.3d 184,

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

186 (5th Cir. 1999); United States v. Ardoin, 19 F.3d 177, 181
(5th Cir. 1994).

AFFIRMED.