

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-51179
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

LEONARD HILL,
also known as Nootie,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. SA-97-CV-269

February 8, 2001

Before SMITH, BENAVIDES, and DENNIS, Circuit Judges.

PER CURIAM:*

Leonard Hill, prisoner number 70325-080, appeals the district court's denial of his 28 U.S.C. § 2255 motion to vacate sentence. Hill has failed to show that he is entitled to relief based on his counsel's alleged ineffective assistance, as Hill has failed to show that his counsel's performance was deficient. See Strickland v. Washington, 466 U.S. 668 (1984). Hill has also failed to show that the evidence was insufficient to support his plea. The factual basis found in the plea agreement, the truth

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

and accuracy of which was admitted by Hill when he was under oath, established that Hill had performed acts that constituted all of the elements of a drug conspiracy. See United States v. Martinez, 190 F.3d 673, 676 (5th Cir. 1999); United States v. Fuller, 769 F.2d 1095, 1099 (5th Cir. 1985).

Hill argues several other issues in his opening and reply briefs. Because a certificate of appealability was not granted on these issues, we will not consider them. See Lackey v. Johnson, 116 F.3d 149, 151-52 (5th Cir. 1997). The judgment of the district court is AFFIRMED.