

October 13, 2006

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 05-40182  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

LAURENCIO MARTINEZ-RAMIREZ,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 2:04-CV-51  
USDC No. 2:02-CR-289-1  
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Before SMITH, WIENER, and OWEN, Circuit Judges.

PER CURIAM:\*

Laurencio Martinez-Ramirez appeals from the district court's denial of his 28 U.S.C. § 2255 motion to vacate, set aside, or correct his sentence. Martinez-Ramirez argues that, although Lazaro Izaguirre was his counsel of record, Roberto Izaguirre was also acting as his counsel. Martinez-Ramirez asserts that he received ineffective assistance of counsel due to the conflict of interest caused by Roberto's representation of Martinez-Ramirez's codefendant, Everardo Lopez-Garza.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

The district court's conclusions regarding claims of ineffective assistance of counsel are mixed questions of law and fact which this court reviews de novo. United States v. Bass, 310 F.3d 321, 325 (5th Cir. 2002). Even if it is assumed that Martinez-Ramirez has established that Roberto was acting as his counsel, he has failed to show that an actual conflict of interest existed regarding Roberto or Lazaro. United States v. Infante, 404 F.3d 376, 390-91 (5th Cir. 2005).

Accordingly, the district court's judgment is AFFIRMED.