

**United States Court of Appeals
FOR THE EIGHTH CIRCUIT**

No. 99-2919

Jose Figueroa-Catano,

Appellant,

v.

John Ault, Warden,

Appellee.

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* Appeal from the United States
* District Court for the
* Northern District of Iowa.

* [UNPUBLISHED]

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Submitted: May 12, 2000

Filed: May 17, 2000

Before BOWMAN and LOKEN, Circuit Judges, and BATAILLON,¹ District Judge.

PER CURIAM.

Jose Figueroa-Catano appeals from the order of the District Court² denying Figueroa-Catano's 28 U.S.C. § 2254 petition for a writ of habeas corpus. The sole issue presented for our review is whether trial counsel was ineffective by reason of

¹The Honorable Joseph F. Bataillon, United States District Judge for the District of Nebraska, sitting by designation.

²The Honorable Donald E. O'Brien, United States District Judge for the Northern District of Iowa.

failing to move for suppression of Figueroa-Catano's videotaped statement on the grounds that Figueroa-Catano was so intoxicated that his waiver of his Miranda rights was not voluntary. The District Court determined that trial counsel's performance was not deficient in this respect, and we agree. Because an opinion would add nothing of substance to the District Court's thorough and well-reasoned order, without further discussion the decision of the District Court is

AFFIRMED. See 8th Cir. R. 47B.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.