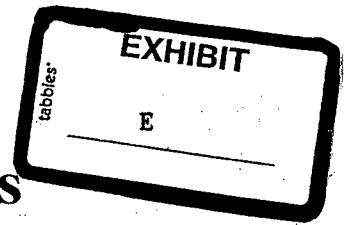


**United States Court of Appeals
For the First Circuit**



No. 16-2163

ERIC L. LEVINE,
Petitioner, Appellant,

v.

UNITED STATES,
Respondent, Appellee.

Before

Lynch, Thompson and Kayatta,
Circuit Judges.

JUDGMENT

Entered: January 25, 2018

Petitioner Eric Levine appeals from the district court's denial of his 28 U.S.C. §2255 petition for habeas corpus.

After our own careful review of the claims for which a certificate of appealability was granted, we find no error or abuse of discretion in the findings of fact and conclusions of law set forth in the district court's thorough and detailed August 11, 2016, Memorandum and Order. We agree with the district court that Levine failed to demonstrate that his "lawyer could have pursued a plausible alternative defense strategy or tactic and [that] (2) the alternative strategy or tactic was inherently in conflict with or not undertaken due to the attorney's other interests or loyalties." United States v. Soldevila-Lopez, 17 F.3d 480, 486 (1st Cir. 1994). Moreover, we see no abuse of discretion in the district court's denial of Levine's request for an evidentiary hearing. See DeCologero v. United States, 802 F.3d 155, 167 (1st Cir. 2015) (standard of review). Levine's motion requesting that this court supplement the record is denied as unnecessary, as the items to which Levine points already are reviewable for purposes of this appeal and have been considered to the extent relevant. Levine's motion for sanctions is denied. The judgment of the district court is affirmed.

**Additional material
from this filing is
available in the
Clerk's Office.**