

APPENDIX A

Decision of United States Court of Appeals

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 17-10581

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A True Copy  
Certified order issued Mar 06, 2018

*Steph W. Cuyca*  
Clerk, U.S. Court of Appeals, Fifth Circuit

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

ANDRECO LOTT,

Defendant-Appellant

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Appeal from the United States District Court  
for the Northern District of Texas

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O R D E R:

Andreco Lott, federal prisoner # 27068-177, is serving a 1,111-month prison sentence for multiple counts related to robbery, bank robbery, and using and carrying a firearm during a crime of violence. He now moves this court for a certificate of appealability (COA) so that he may appeal the district court's decision to deny his motion under Federal Rule of Civil Procedure 60(b) seeking relief from the 2005 denial of his 28 U.S.C. § 2255 motion. In the Rule 60(b) motion, Lott contended that the district court neglected to address all of his § 2255 claims and improperly decided the motion without holding an evidentiary hearing.

The court will grant Lott a COA if he makes "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2); *see Buck v. Davis*, 137 S. Ct. 759, 773 (2017). That is, he must establish that reasonable jurists

could disagree with the decision to deny relief or that the issues he presents deserve encouragement to proceed further. *See Buck*, 137 S. Ct. at 774. Because Lott seeks a COA from the denial of a Rule 60(b) motion, he must demonstrate that reasonable jurists could conclude that the district court abused its discretion in denying him relief from the judgment. *See id.* at 777; *Hernandez v. Thaler*, 630 F.3d 420, 428 (5th Cir. 2011). Lott has not made the required showing. Accordingly, his motion for a COA is DENIED.

/s/ Priscilla R. Owen  
PRISCILLA R. OWEN  
UNITED STATES CIRCUIT JUDGE

APPENDIX B

Decision of United States District Court

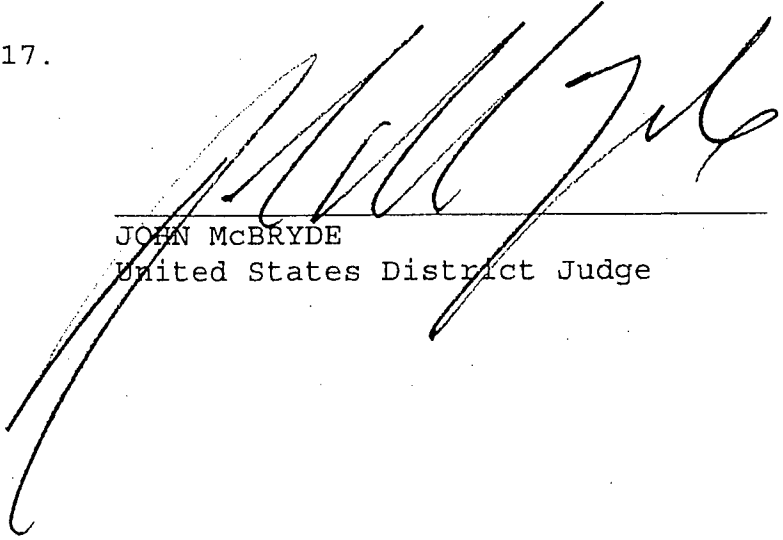
U.S. DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
COURT  
MAR 15 2007  
CLERK, U.S. DISTRICT COURT  
By \_\_\_\_\_ Deputy

ineffective assistance of counsel. In the court's memorandum opinion and order signed February 11, 2005, the court addressed each of Lott's claims in the order they appeared in his motion. Lott's allegations otherwise are simply without merit.

Therefore,

The court orders that Lott's motion be, and is hereby, denied.

SIGNED March 15, 2017.



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JOHN MCBRYDE  
United States District Judge

U.S. DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
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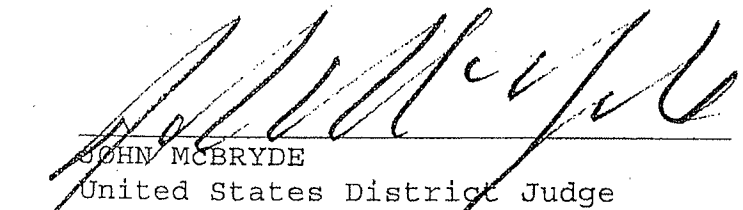
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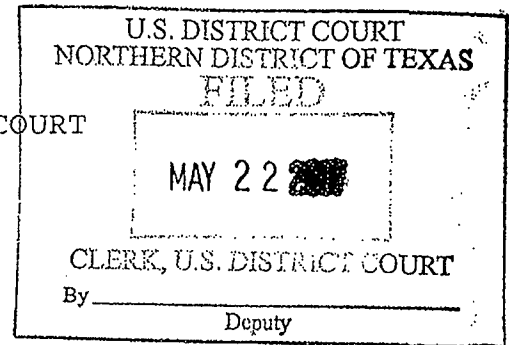
judgment be, and is hereby, denied.

SIGNED April 18, 2017.

  
JOHN MCBRYDE  
United States District Judge



IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION



ANDRECO LOTT,

Petitioner,

VS.

UNITED STATES OF AMERICA,

Respondent.

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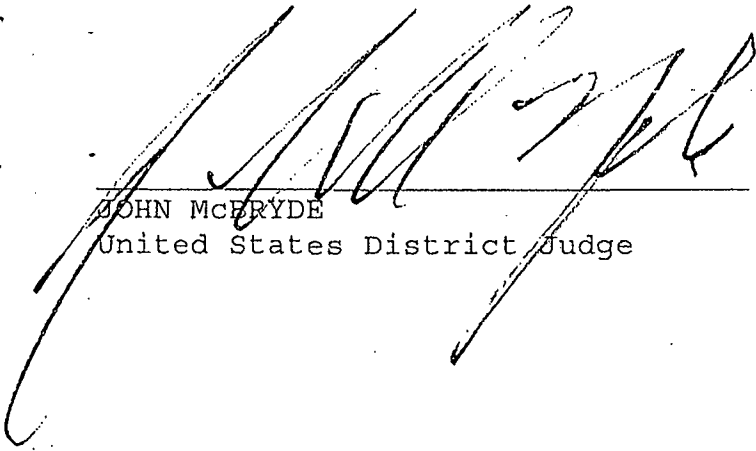
NO. 4:04-CV-740-A  
(NO. 4:01-CR-177-A)

ORDER

Came on for consideration the motion of petitioner, Andreco Lott, for certificate of appealability from the denials of his motion for relief from a final judgment and his motion for reconsideration. Having considered the motion, the court concludes that it should be denied. Therefore,

The court ORDERS that petitioner's motion for certificate of appealability be, and is hereby, denied.

SIGNED May 22, 2017.

  
JOHN MCERYDE  
United States District Judge

APPENDIX C

Order of U.S. Court of Appeals denying Rehearing

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IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 17-10581

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UNITED STATES OF AMERICA,

Plaintiff - Appellee

v.

ANDRECO LOTT,

Defendant - Appellant

---

Appeal from the United States District Court  
for the Northern District of Texas

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ON MOTION FOR RECONSIDERATION AND REHEARING EN BANC

Before DAVIS, CLEMENT and OWEN, Circuit Judges.

PER CURIAM:

- ( ☒ ) The Motion for Reconsideration is DENIED and no member of this panel nor judge in regular active service on the court having requested that the court be polled on Rehearing En Banc, (FED. R. APP. P. and 5<sup>TH</sup> CIR. R. 35) the Petition for Rehearing En Banc is also DENIED.
- ( ) The Motion for Reconsideration is DENIED and the court having been polled at the request of one of the members of the court and a majority of the judges who are in regular active service and not disqualified not having voted in favor, (FED. R. APP. P. and 5<sup>TH</sup> CIR. R. 35) the Petition for Rehearing En Banc is also DENIED.
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- ( ) A member of the court in active service having requested a poll on the reconsideration of this cause en banc, and a majority of the judges in active service and not disqualified not having voted in favor, Rehearing En Banc is DENIED.

ENTERED FOR THE COURT:

Quinn A. Owen  
UNITED STATES CIRCUIT JUDGE

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