

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

No. 17-30243



A True Copy  
Certified order issued May 21, 2018

*Tyke W. Cayce*

Clerk, U.S. Court of Appeals, Fifth Circuit

Plaintiff-Appellee

UNITED STATES OF AMERICA,

v.

GREGORY M. WARD, also known as Gregory Ward,

Defendant-Appellant

Appeal from the United States District Court  
for the Eastern District of Louisiana

ORDER:

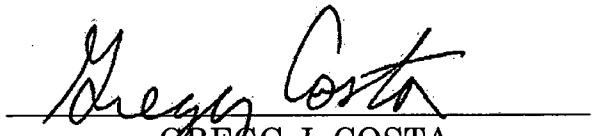
Gregory M. Ward, federal prisoner # 27350-034, seeks a certificate of appealability (COA) to challenge the denial of his 28 U.S.C. § 2255 motion. Ward pleaded guilty to possessing with intent to distribute 100 grams or more of heroin, for which he was sentenced to 236 months in prison. In his COA motion, Ward argues that the district court erred in finding, without holding an evidentiary hearing, that his trial counsel was not ineffective for (a) erroneously advising him that he could appeal the denial of his suppression motion, (b) failing to request or obtain a conditional plea, and (c) failing to argue that the search warrant application and search warrant were invalid.

This court may grant Ward a COA only if he has "made a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2); *Miller-El v. Cockrell*, 537 U.S. 322, 336 (2003). "A petitioner satisfies this standard

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by demonstrating that jurists of reason could disagree with the district court's resolution of his constitutional claims or that jurists could conclude the issues presented are adequate to deserve encouragement to proceed further." *Miller-El*, 537 U.S. at 327.

Ward has not made the requisite showing. Accordingly, a COA is DENIED.

  
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GREGG J. COSTA  
UNITED STATES CIRCUIT JUDGE

*Ex#1*

*United States Court of Appeals*  
FIFTH CIRCUIT  
OFFICE OF THE CLERK

LYLE W. CAYCE  
CLERK

TEL. 504-310-7700  
600 S. MAESTRI PLACE  
NEW ORLEANS, LA 70130

July 27, 2018

MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW:

No. 17-30243 USA v. Gregory Ward  
USDC No. 2:16-CV-9527

Enclosed is an order entered in this case.

Sincerely,

LYLE W. CAYCE, Clerk

*Shea E. Pertuit*

By:

*Shea E. Pertuit*, Deputy Clerk  
504-310-7666

Mr. Kevin G. Boitmann  
Ms. Diane Hollenshead Copes  
Mr. Jeffrey Ryan McLaren  
Mr. Gregory M. Ward

*Ex#1*

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Before DENNIS, GRAVES, and COSTA, Circuit Judges.

PER CURIAM:

A member of this panel previously denied appellant's motion for certificate of appealability. The panel has considered appellant's motion for reconsideration. IT IS ORDERED that the motion is DENIED.