

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 17-30243



A True Copy
Certified order issued May 21, 2018

John W. Cayce
Clerk, U.S. Court of Appeals, Fifth Circuit

UNITED STATES OF AMERICA,

Plaintiff-Appellee

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.



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.