

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT



No. 18-30132

A True Copy
Certified order issued Nov 30, 2018

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

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

JAIME JAUREGUI,

Defendant-Appellant

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

O R D E R:

Jaime Jauregui, federal prisoner # 32774-034, was found guilty by a jury of conspiracy to engage in prohibited firearms dealing and transportation in violation of 18 U.S.C. § 371 and of possession of unregistered firearms in violation of 26 U.S.C. §§ 5841, 5861(d), and 5871. The district court sentenced Jauregui to 60 months of imprisonment on the conspiracy count and to 120 months on the possession count and ordered the sentences to be served concurrently.

Jauregui moves for a certificate of appealability (COA) to challenge the district court's denial of his motion under 28 U.S.C. § 2255. According to Jauregui, his appellate counsel was ineffective for failing to challenge the jury selection process in the Eastern District of Louisiana, which he claims systematically excludes "Hispanics, African-Americans, and other minorities."

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He also complains that he was denied the right to inspect the records used by the jury clerk in selecting the jury. He further argues that his trial counsel deprived him of his constitutional right to testify in his own defense at trial, and he claims that the district court abused its discretion in denying his § 2255 motion without an evidentiary hearing.

Although Jauregui raised other claims of ineffective assistance of counsel in his § 2255 motion, he does not address the district court's analysis of those claims here. Therefore, he has waived those claims. *See Hughes v. Johnson*, 191 F.3d 607, 613 (5th Cir. 1999) (stating that “[i]ssues not raised in the brief filed in support of [a] COA application are waived”).

To obtain a COA, Jauregui must make “a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). Where, as here, claims are rejected on the merits, the prisoner must “demonstrate that reasonable jurists would find the district court’s assessment of the constitutional claims debatable or wrong” or that the issues presented “deserve encouragement to proceed further.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

Jauregui has not made the requisite showing. *See id.* Accordingly, his motion for a COA is DENIED.



ANDREW S. OLDHAM
UNITED STATES CIRCUIT JUDGE