

INDEX TO APPENDICES

Appendix:

- A. Decision of the Fifth Circuit Court of Appeals denying Application for a Certificate of Appealability, U.S. v. CORIOLANT, Appeal No. 17-30736.
- B. Judgment of the U.S. District Court for the Eastern District of Louisiana denying 28 U.S.C. §2255 Motion, Case No. 2:16-CV-17262.
- C. Order, U.S. Supreme Court, granting extension of time to file certiorari.

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 17-30736



A True Copy
Certified order issued Dec 18, 2018

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

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

BENSON CORIOLANT, also known as Haiti Coriolant,

Defendant-Appellant

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

ORDER:

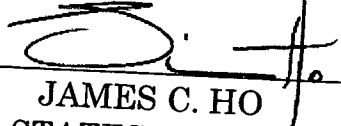
Benson Coriolant, federal prisoner # 55670-018, moves for a certificate of appealability (COA) to appeal the dismissal of his 28 U.S.C. § 2255 motion claiming that (1) the trial court improperly participated in plea negotiations, (2) the trial court violated his due process rights by providing improper instructions to the jury regarding the standard of proof required to convict him under 18 U.S.C. § 2422(a) and (b), (3) his trial and appellate attorneys rendered ineffective assistance in numerous respects, and (4) the cumulation of these errors entitled him to relief. The district court dismissed on procedural grounds the claim of improper participation in plea negotiations and the due process claim related to the jury instructions, and it dismissed the remaining claims on the merits.

Coriolant does not challenge, and has therefore abandoned, the district court's dismissal of his claims that his trial attorney rendered ineffective assistance by failing to (1) move for dismissal of the indictment, (2) renew the motion for a judgment of acquittal at the close of the evidence, (3) object sufficiently to Coriolant's obstruction-of-justice enhancement, and (4) object to the grouping of counts for purposes of determining Coriolant's total offense level. *See Hughes v. Johnson*, 191 F.3d 607, 613 (5th Cir. 1999). Coriolant has likewise abandoned his cumulative-error claim, as well as all of his claims regarding appellate counsel's ineffectiveness except for his claims that appellate counsel rendered ineffective assistance by failing to challenge (1) certain testimonies by Officer Edward Rohde and Special Agent Jennifer Terry, (2) the jury instructions pertaining to § 2422(a) and (b) as violating due process, and (3) Coriolant's enhancements under U.S.S.G. §§ 2G1.3(b)(3) and 3A1.1(b)(1). *See id.* Coriolant's arguments relying upon *Rosemond v. United States*, 572 U.S. 65 (2014), will not be considered since they are raised for the first time in his COA motion. *See Henderson v. Cockrell*, 333 F.3d 592, 605 (5th Cir. 2003).

To obtain a COA, Coriolant must make "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2); *see Miller-El v. Cockrell*, 537 U.S. 322, 336 (2003). When a district court has denied a request for § 2255 relief on procedural grounds, the prisoner must show "that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether the district court was correct in its procedural ruling." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). When the district court has rejected constitutional claims on the merits, the COA movant must show "that

reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong." *Id.*

Coriolant fails to make the necessary showing. Accordingly, his motion for a COA is DENIED.


JAMES C. HO
UNITED STATES CIRCUIT JUDGE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA

CRIMINAL ACTION

VERSUS

No. 11-241

BENSON CORIOLANT

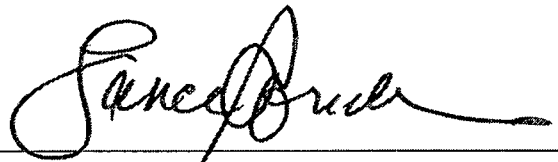
SECTION I

JUDGMENT

Considering the Court's order dismissing the motion¹ pursuant to 28 U.S.C. § 2255,

IT IS ORDERED that there be judgment in favor of the United States of America and against defendant, Benson Coriolant, and that the defendant's 28 U.S.C. § 2255 motion be and hereby is **DISMISSED WITH PREJUDICE**.

New Orleans, Louisiana, July 10, 2017.

A handwritten signature in black ink, appearing to read "Lance Africk", written over a horizontal line.

LANCE M. AFRICK
UNITED STATES DISTRICT JUDGE

¹ R. Doc. No. 121.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA

CIVIL ACTION

VERSUS

No. 11-241

BENSON CORIOLANT

SECTION I

CERTIFICATE OF APPEALABILITY

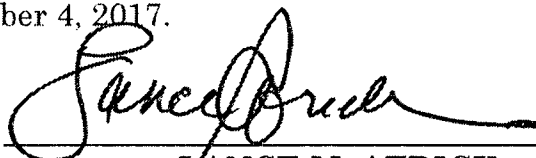
Having separately issued a final order in connection with the captioned *habeas corpus* proceeding, in which the detention complained of arises out of process issued by a state court, the Court, after considering the record and the requirements of 28 U.S.C. § 2253 and Fed. R. App. P. 22(b), hereby orders that,

_____ a certificate of appealability shall be issued having found that petitioner has made a substantial showing of the denial of a constitutional right related to the following issue(s):

 X a certificate of appealability shall not be issued for the following reason(s):

Defendant has not made a substantial showing that he has been
denied a constitutional right.

New Orleans, Louisiana, December 4, 2017.



LANCE M. AFRICK
UNITED STATES DISTRICT JUDGE

**Supreme Court of the United States
Office of the Clerk
Washington, DC 20543-0001**

Scott S. Harris
Clerk of the Court
(202) 479-3011

March 8, 2019

Mr. Benson Coriolant
Prisoner ID # 55670-018
F.C.C. Coleman II
P.O. Box 1034
Coleman, FL 33521-1034

Re: Benson Coriolant, aka Haiti Coriolant
v. United States
Application No. 18A936


Dear Mr. Coriolant:

The application for an extension of time within which to file a petition for a writ of certiorari in the above-entitled case has been presented to Justice Alito, who on March 8, 2019, extended the time to and including May 17, 2019.

This letter has been sent to those designated on the attached notification list.

Sincerely,

Scott S. Harris, Clerk

by 

Melissa Blalock
Case Analyst