

# **ATTACHMENT 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

April 11, 2019

Ms. Karen S. Mitchell  
Northern District of Texas, Dallas  
United States District Court  
1100 Commerce Street  
Earle Cabell Federal Building  
Room 1452  
Dallas, TX 75242

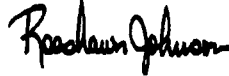
No. 18-10712      USA v. Christian Gieseke  
USDC No. 3:15-CV-3907

Dear Ms. Mitchell,

Enclosed is a copy of the judgment issued as the mandate.

Sincerely,

LYLE W. CAYCE, Clerk



By:  
Roesawn A. Johnson, Deputy Clerk  
504-310-7998

cc: Mr. Christian James Gieseke  
Mr. James Wesley Hendrix  
Ms. Leigha Amy Simonton

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

\_\_\_\_\_  
No. 18-10712  
\_\_\_\_\_



A True Copy  
Certified order issued Apr 11, 2019

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

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

CHRISTIAN JAMES GIESEKE,

Defendant-Appellant.

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

O R D E R:

Christian Gieseke, federal prisoner #45476-177, seeks a certificate of appealability ("COA") to appeal the denial and dismissal of his 28 U.S.C. § 2255 motion challenging his conviction and sentence for receipt of child pornography. He contends that (1) the district court erred in denying an evidentiary hearing and (2) he received ineffective assistance of trial counsel because counsel failed to conduct a sufficient investigation and failed to file a motion to

suppress unconstitutionally obtained evidence.

To obtain a COA, Gieseke must make a substantial showing of the denial of a constitutional right. *See* 28 U.S.C. § 2253(c)(2). That requires demonstrating that reasonable jurists “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 v. Cockrell*, 537 U.S. 322, 327 (2003). Gieseke has not made the requisite showing. Accordingly, his motion for a COA is DENIED.

/s/ Jerry E. Smith  
JERRY E. SMITH  
United States Circuit Judge