

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

December 16, 2009

No. 08-11184
Summary Calendar

Charles R. Fulbruge III
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

ANDRECO LOTT,

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:04-CV-740
USDC No. 4:01-CR-177-6

Before GARZA, CLEMENT, and OWEN, Circuit Judges.

PER CURIAM:*

Andreco Lott, federal prisoner # 27068-177, seeks a certificate of appealability (COA) to present arguments challenging the denial of his post conviction motion. Lott wishes to challenge the validity of his conviction and sentence. Lott has previously been denied 28 U.S.C. § 2255 relief and has moved unsuccessfully for a COA. Lott's challenge is in the nature of a § 2255 motion, *see United States v. Orozco-Ramirez*, 211 F.3d 862, 869 (5th Cir. 2000); *In re*

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

Cain, 137 F.3d 234, 235 (5th Cir. 1998), and Lott has not obtained authorization to file a second or successive § 2255 motion, *see* § 2255(h); 28 U.S.C. § 2244(b)(3)(A). Nor has Lott made a sufficient showing to obtain authorization to file a successive § 2255 motion. *See* § 2255(h); § 2244(b)(3)(C). Accordingly, Lott's motion for a COA is DENIED.