

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

\_\_\_\_\_  
No. 14-40577  
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United States Court of Appeals  
Fifth Circuit

**FILED**

February 15, 2018

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

Plaintiff - Appellee

v.

PAUL LYNN SCHLIEVE,

Defendant - Appellant

\_\_\_\_\_  
Appeal from the United States District Court  
for the Eastern District of Texas  
USDC No. 4:07-CV-293  
\_\_\_\_\_

Before REAVLEY, SMITH, and OWEN, Circuit Judges.

PER CURIAM:\*

The judgment of the district court is affirmed for the certain reasons set forth in the magistrate judge's report of August 24, 2010.

The conviction of Schlieve was affirmed by this court in 2005, and then he filed a motion under § 2255 to vacate his sentence. The only point still pursued claims that defense counsel was misled by the prosecutor about evidence on a video that would have been *Brady* material and could have been

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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suppressed had not counsel been misled. The record fully obliterates that claim, because the defense counsel had possession of the video, as did the jury. No evidence stands to support it.

**AFFIRMED.**