

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

United States Court of Appeals
Fifth Circuit

FILED

May 26, 2020

Lyle W. Cayce
Clerk

No. 19-40072

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

MANUEL CHACON-LARA,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Louisiana
USDC No. 7:18-CV-31
USDC No. 7:14-CR-1871-1

Before DENNIS, ELROD, and DUNCAN, Circuit Judges.

PER CURIAM:*

Manuel Chacon-Lara, federal prisoner # 19198-198, moves for a certificate of appealability (COA) to appeal the denial of his 28 U.S.C. § 2255 motion challenging his sentence for possession with intent to distribute methamphetamine. In his § 2255 motion, Chacon-Lara claimed that counsel rendered ineffective assistance by failing to request a “fast track” sentencing reduction.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

No. 19-40072

To obtain a COA, a movant must make “a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). When the district court has denied the claims on the merits, “[t]he [movant] must demonstrate that reasonable jurists would find the district court’s assessment of the constitutional claims debatable or wrong” or that “the issues presented were adequate to deserve encouragement to proceed further.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000) (internal quotation marks and citation omitted). Chacon-Lara has not met this standard with respect to his ineffective assistance claim and has therefore not shown an entitlement to a COA.

We construe his motion for a COA with respect to the district court’s denial of an evidentiary hearing as a direct appeal of that issue, *see Norman v. Stephens*, 817 F.3d 226, 234 (5th Cir. 2016), and affirm.

COA DENIED; AFFIRMED.