

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-50868
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JESSE GARZA,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Western District of Texas
USDC No. SA-95-CA-0562
- - - - -

February 27, 1998

Before JOLLY, BENAVIDES and PARKER, Circuit Judges.

PER CURIAM:*

Jesse Garza, federal prisoner # 43437-080, has filed a "renewed motion for reinstatement," which this court construes as a motion for reconsideration of this court's single-judge order denying a certificate of appealability (COA). See Fed. R. App. P. 27(c). Garza was not required to obtain a COA to appeal the denial of his 28 U.S.C. § 2255 motion. Lindh v. Murphy, 117 S. Ct. 2059, 2068 (1997). Therefore, his motion for reconsideration

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

is GRANTED and the March 19, 1997, order denying COA is RESCINDED.

For essentially the same reasons this court denied COA, Garza's appeal of the denial of his § 2255 motion is DISMISSED for lack of jurisdiction, and the appeal of the denial of Garza's post-judgment motion is AFFIRMED because Garza failed to raise an argument specifically challenging that denial.

MOTION GRANTED. ORDER DENYING COA RESCINDED. DISMISSED IN PART FOR LACK OF JURISDICTION AND AFFIRMED IN PART.