

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-20202
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JUAN ANTONIO CONTRERAS,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-97-CV-882

February 4, 1999

Before EMILIO M. GARZA, DeMOSS and BENAVIDES, Circuit Judges.

PER CURIAM:*

Federal prisoner Juan Antonio Contreras seeks a certificate of appealability ("COA") to appeal the district court's denial of his motion to vacate, set aside, or correct sentence, pursuant to 28 U.S.C. § 2255. He renews each of the claims raised in his § 2255 motion. Contreras has also filed a motion to supplement his COA request, which motion is GRANTED.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Although some of Contreras' claims may be barred, the record in the instant case does not conclusively show that Contreras is entitled to no relief. Thus, the district court erred in failing to provide findings and conclusions in support of its denial of § 2255 relief. See United States v. Daly, 823 F.2d 871, 872 (5th Cir. 1987); United States v. Edwards, 711 F.2d 633, 633 (5th cir. 1983). COA is therefore GRANTED, the district court's order is VACATED, and the case is REMANDED. On remand, the district court should provide its findings and conclusions of law.

MOTION TO SUPPLEMENT GRANTED; COA GRANTED; VACATED AND REMANDED.