

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-40877
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

CHRIS LESLIE BOLIVAR,

Defendant-Appellant.

Appeal from the United States District Court
for the Eastern District of Texas
USDC Nos. 1:96-CV-530
1:93-CR-41-ALL

February 16, 2000

Before DAVIS, EMILIO M. GARZA and DENNIS, Circuit Judges.

PER CURIAM:*

Chris Leslie Bolivar moves this court for a certificate of appealability (COA) to appeal the district court's denial of his 28 U.S.C. § 2255 motion wherein he challenged his guilty-plea conviction for using a telephone to facilitate the distribution of cocaine base. He argues that his counsel rendered ineffective assistance by failing to review undercover tapes made by government agents prior to advising him to plead guilty and by failing to advise him of the sentencing disparity between

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

powdered cocaine and cocaine base prior to advising him to plead guilty.

Bolivar's request for a COA will be granted only upon a "substantial showing of the denial of a constitutional right." § 2253(c)(2). Because he has made no such showing, Bolivar's motion is denied.

COA DENIED.