

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

United States Court of Appeals
Fifth Circuit

FILED

July 9, 2013

Lyle W. Cayce
Clerk

No. 12-10705
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff–Appellee,

versus

MELVIN WIAND,

Defendant–Appellant.

Appeal from the United States District Court
for the Northern District of Texas
No. 3:10-CV-1420

Before SMITH, PRADO, and HIGGINSON, Circuit Judges.

PER CURIAM:*

After the district court denied a motion to suppress evidence, Melvin

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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. 12-10705

Wiand, federal prisoner # 37221-177, pleaded guilty, pursuant to a plea agreement, to receipt of child pornography. The conviction and sentence were affirmed on direct appeal, the district court denied 28 U.S.C. § 2255 relief, and we denied a certificate of appealability. The claims in Wiand's § 2255 motion included allegations that government witnesses forged evidence, testified falsely, and otherwise obstructed justice at the suppression hearing.

Wiand challenges the district court's denial of a motion to reconsider its denial of a motion to reopen the suppression proceedings, and he moves for appointment of appellate counsel. The motion that is the subject of this appeal is an unauthorized successive § 2255 motion that the district court lacked jurisdiction to consider. *See United States v. Key*, 205 F.3d 773, 774 (5th Cir. 2000). The judgment is AFFIRMED, and the motion for counsel is DENIED.