

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

No. 14-40577

United States Court of Appeals
Fifth Circuit

FILED

February 15, 2018

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff - Appellee

v.

PAUL LYNN SCHLIEVE,

Defendant - Appellant

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 4:07-CV-293

Before REAVLEY, SMITH, and OWEN, Circuit Judges.

PER CURIAM:*

The judgment of the district court is affirmed for the certain reasons set forth in the magistrate judge's report of August 24, 2010.

The conviction of Schlieve was affirmed by this court in 2005, and then he filed a motion under § 2255 to vacate his sentence. The only point still pursued claims that defense counsel was misled by the prosecutor about evidence on a video that would have been *Brady* material and could have been

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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suppressed had not counsel been misled. The record fully obliterates that claim, because the defense counsel had possession of the video, as did the jury. No evidence stands to support it.

AFFIRMED.