

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 98-50438  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

TEDDY LEDBETTER SOLANO,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. W-97-CA-120  
- - - - -

October 19, 1998

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

PER CURIAM:\*

Teddy Ledbetter Solano, federal prisoner # 12029-039, requests a certificate of appealability (COA) to appeal the district court's denial of her 28 U.S.C. § 2255 motion to vacate, set aside, or correct sentence. Solano argues that her attorney was ineffective for failing to file a notice of appeal as she had requested, failing to seek a reduction for her alleged "minor" role in the offense, failing to obtain a greater reduction in the amount drugs for which she was held accountable, and failing to

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

challenge her prior, uncounseled misdemeanor convictions. Solano

has not made a substantial showing of the denial of a constitutional right with respect to these allegations. 28 U.S.C. § 2253(c)(3). Accordingly, her request for a COA is DENIED.

Solano also requests that this court "look at the denial of her Rule 35" motion. The district court denied Solano's motion for reconsideration because she had not shown that her substantial assistance involved information or evidence that was not known by her until one year or more after the imposition of the sentence. This was not error. See Fed. R. Crim. P. 35(b).

Solano's request for the appointment of counsel is also DENIED.

COA DENIED. APPEAL DISMISSED.