

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

No. 18-30881

United States Court of Appeals
Fifth Circuit

FILED

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

CARROLL GRIFFIN, also known as Junny, also known as GWAUP,

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 6:18-CV-79

Before SOUTHWICK, HAYNES, and HO, Circuit Judges.

PER CURIAM:*

Carroll Griffin, federal prisoner # 19523-035, moves this court for a certificate of appealability (COA) to appeal the district court's denial of his 28 U.S.C. § 2255 motion, alleging that counsel was ineffective in failing to file a direct appeal on his behalf. The district court denied the motion following an evidentiary hearing. Griffin now challenges the district court's failure to appoint counsel to represent him at that hearing.

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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Rule 8(c) of the Rules Governing § 2255 Proceedings required the district court to appoint Griffin counsel for the evidentiary hearing because he was unable to afford retained counsel. *See United States v. Vasquez*, 7 F.3d 81, 84 (5th Cir. 1993). Griffin's motion for a COA is therefore GRANTED. The district court's judgment is VACATED, and the case is REMANDED for a new evidentiary hearing with appointed counsel.