

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

October 7, 2021

Lyle W. Cayce
Clerk

No. 20-10409

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

ABDULLAH EL HAGE,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:19-CV-172

Before ELROD, OLDHAM, and WILSON, *Circuit Judges.*

PER CURIAM:*

Abdullah El Hage, federal prisoner # 54762-177, seeks a certificate of appealability (COA) from the denial of his 28 U.S.C. § 2255 motion challenging his conviction of conspiring to distribute a controlled substance. Relevant to this inquiry, El Hage argues (1) his guilty plea was made unknowingly and involuntarily, (2) his trial and appellate counsel rendered

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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ineffective assistance, (3) he is actually innocent, and (4) the district court erred in denying his motion for an evidentiary hearing.

To obtain a COA, El Hage must make “a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2); *Slack v. McDaniel*, 529 U.S. 473, 483 (2000). He will satisfy this standard “by demonstrating that jurists of reason could disagree with the district court’s resolution of his constitutional claims or that jurists could conclude the issues presented are adequate to deserve encouragement to proceed further.” *Miller-El v. Cockrell*, 537 U.S. 322, 327 (2003). Because El Hage has not made the requisite showing, his COA motion is DENIED.

As El Hage fails to make the required showing for a COA on his constitutional claims, we cannot consider whether the district court erred by denying an evidentiary hearing. *See United States v. Davis*, 971 F.3d 524, 534–35 (5th Cir. 2020), *petition for cert. filed* (U.S. Mar. 18, 2021) (No. 20-7553).