

United States Court of Appeals for the Fifth Circuit

No. 25-40456
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

October 23, 2026

Thomas B. Plunkett, III
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

MICHAEL JASON SHELTON,

Defendant—Appellant.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 1:22-CV-299
USDC No. 1:19-CR-67-1

Before SMITH, SOUTHWICK, and OLDHAM, *Circuit Judges*.

PER CURIAM:*

Michael Jason Shelton pleaded guilty to accessory after the fact to murder, in violation of 18 U.S.C. § 3, and was sentenced to 180 months of imprisonment and three years of supervised release. After his direct appeal was dismissed, *see United States v. Shelton*, No. 21-40040, 2021 WL 4597770, 1 (5th Cir. Oct. 6, 2021) (unpublished), Shelton, assisted by counsel, filed a

* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

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28 U.S.C. § 2255 motion raising claims of ineffective assistance. The district court denied Section 2255 relief and denied a certificate of appealability (COA). This court granted a COA on Shelton's claim that his trial counsel rendered ineffective assistance by failing to move for dismissal on the grounds that the statute of limitations had expired before he was indicted on the charge to which he had pleaded guilty.

When a criminal defendant argues that counsel rendered ineffective assistance, he must show that his "counsel's performance was deficient" and that "the deficient performance prejudiced the defense." *Strickland v. Washington*, 466 U.S. 668, 687 (1984). A failure to establish either deficient performance or prejudice defeats the claim. *Id.* Shelton does not argue and has not shown that there is a reasonable probability that, but for any error by counsel, "he would not have pleaded guilty and would have insisted on going to trial." *Hill v. Lockhart*, 474 U.S. 52, 59 (1985); see *Lee v. United States*, 582 U.S. 357, 364-65 (2017).

AFFIRMED.