

**UNITED STATES COURT OF APPEALS**  
**TENTH CIRCUIT**

**APR 24 1997**

**PATRICK FISHER**  
Clerk

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

LEWIS L. SISTRUNK,

Defendant-Appellant.

No. 96-3418  
(D.C. No. 96-3420-EEO)  
(District of Kansas)

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**ORDER**

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Before **SEYMOUR**, Chief Judge, **PORFILIO**, Circuit Judge, and **MURPHY**, Circuit Judge.

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Contending he was denied effective assistance of counsel, Lewis Sistrunk attempts to appeal the denial of his motion under 28 U.S.C. § 2255. The case is pending before us upon an application for a certificate of appealability. *See* 28 U.S.C. § 2253(c). After review of his briefs and the record, we conclude, substantially for the reasons set forth by the district court in denying the relief requested, Mr. Sistrunk has failed to raise issues that are debatable among jurists, or that a court could resolve the issues differently, or that the questions deserve further proceedings. The certificate of appealability is **DENIED**

and the appeal is **DISMISSED**. 28 U.S.C. § 2253(c)(2); *Lennox v. Evans*, 87 F.3d 431 (10th Cir. 1996). The mandate shall issue forthwith.

ENTERED FOR THE COURT

John C. Porfilio  
Circuit Judge