

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
TENNESSEE

Janmichael Vincent Lingo v. United States of America

No. 2:23-CV-00035-JRG-CRW (E.D. Tenn. Jan. 5, 2026) · No. 2:23-CV-00035-JRG-CRW · Decided January 5, 2026

SUMMARY

The United States District Court for the Eastern District of Tennessee denied Janmichael Vincent Lingo’s motion under 28 U.S.C. § 2255 alleging ineffective assistance of counsel for failing to file a notice of appeal. After an evidentiary hearing, the court found that Lingo had not established that he requested an appeal and credited counsel’s testimony regarding his customary practices. The court dismissed the § 2255 proceeding with prejudice and declined to issue a certificate of appealability.

CASE DETAILS

COURT	United States District Court for the Eastern District of Tennessee
WRITING FOR THE COURT	J. Ronnie Greer
JURISDICTION	United States District Court for the Eastern District of Tennessee
DECIDED	January 5, 2026
DOCKET	2:23-CV-00035-JRG-CRW
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner sought relief under 28 U.S.C. § 2255, alleging that appointed counsel rendered ineffective assistance by failing to file a timely notice of direct appeal after petitioner allegedly requested one. The court held an evidentiary hearing and denied the motion, dismissed the case with prejudice, and declined to issue a certificate of appealability.
STANDARD OF REVIEW	Under § 2255, relief is available for jurisdictional error, an unlawful or collaterally attackable sentence, or a constitutional violation rendering the judgment vulnerable to collateral attack. For ineffective assistance claims, the ordinary standard is the two-part Strickland test, but failure to file an appeal despite the defendant's actual request constitutes deficient performance without requiring a showing of likely appellate success. The court assessed the evidentiary testimony and credibility to determine whether an appeal was requested.

PRECEDENTIAL VALUE	unpublished district court memorandum opinion; precedential status unknown
PARTIES	Janmichael Vincent Lingo v. United States of America

TOPICS

federal habeas corpus post-conviction relief ineffective assistance right to counsel appellate procedure

PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether Lingo proved that counsel provided ineffective assistance by failing to file a notice of appeal after Lingo allegedly requested one.
2. Whether Lingo was entitled to § 2255 relief or a delayed appeal based on the alleged failure to file a notice of appeal.
3. Whether a certificate of appealability should issue.

HOLDINGS

1. Lingo failed to establish that he actually requested counsel to file a notice of appeal; therefore, he did not prove deficient performance or entitlement to § 2255 relief.
2. The court declined to issue a certificate of appealability because Lingo failed to make a substantial showing of the denial of a constitutional right and reasonable jurists would not debate the court's resolution of his claim.

KEY QUOTATIONS

“The failure to perfect a direct appeal, in derogation of a defendant’s actual request, is a per se violation of the Sixth Amendment.” (Discussion)

“An attorney performs deficiently if, after consulting with his client, he disregards specific instructions from his client to file a notice of appeal—a purely ministerial task.” (Discussion)

FACTUAL BACKGROUND

Lingo entered a Rule 11(c)(1)(C) guilty plea to conspiracy to distribute at least fifty grams of methamphetamine, with an agreed sentence later reduced to 166 months after counsel successfully challenged the presentence report. The amended plea agreement included waivers of direct appeal and collateral attack, subject to stated exceptions. After sentencing, no timely notice of appeal was filed. Lingo claimed that he twice asked counsel to appeal, while counsel testified that he did not recall such a request but would have filed an appeal if asked; the court found counsel credible and Lingo's testimony unsupported and not credible.

PROCEDURAL HISTORY

Lingo pleaded guilty under a Rule 11(c)(1)(C) agreement to conspiracy to distribute fifty grams or more of methamphetamine and received the agreed sentence of 166 months. He did not file a timely direct appeal. He later filed a timely § 2255 motion asserting that counsel failed to file an appeal as requested. Following an evidentiary hearing at which Lingo and former counsel testified, the district court denied relief and dismissed the action with prejudice.

DISPOSITION

dismissed

CASES CITED

- Freeman v. United States, 564 U.S. 522, 535 (2011)
- Strickland v. Washington, 466 U.S. 668, 687-694 (1984)
- Ludwig v. United States, 162 F.3d 456 (6th Cir. 1998)
- Pola v. United States, 778 F.3d 525, 533 (6th Cir. 2015)
- Roe v. Flores-Ortega, 528 U.S. 470, 477 (2000)
- Moss v. United States, 323 F.3d 445, 469-70 (6th Cir. 2003)
- Slack v. McDaniel, 529 U.S. 473, 484 (2000)