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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	Case No. CV 15-05338 DDP
	)	CR 11-00072 (6)
Plaintiff,	)	
	)	<b>ORDER DENYING CERTIFICATE OF</b>
v.	)	<b>APPEALABILITY</b>
	)	
ARMAN TANGABEKYAN,	)	
	)	
Defendant.	)	
	)	

The Court hereby DENIES a certificate of appealability (COA) in this petition under section 2255. See 28 U.S.C. § 2253(c). A COA should be granted when "reasonable jurists could debate whether (or, for that matter, agree that) the petition should have been resolved in a different manner or that the issues presented were adequate to deserve encouragement to proceed further." Slack v. McDaniel, 529 U.S. 473, 484 (2000) (internal quotation marks and citations omitted).

In this case, given Petitioner's motion raised substantive rather than procedural challenges, no reasonable jurist could find that his claim was properly construed as a Rule 60(b) motion rather than a successive section 2255 motion in disguise. Thus, the Court

1 declines to issue a Certificate of Appealability.

2       The clerk shall forward to the Ninth Circuit the case file  
3 with this order. See U.S. v. Asrar, 116 F.3d 1268, 1270 (9th Cir.  
4 1997).

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6 IT IS SO ORDERED.

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8 Dated: April 4, 2017

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DEAN D. PREGERSON  
United States District Judge

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