

United States District Court
For the Northern District of California

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

YOHANNES TEKIE GEBREZGIE,
Petitioner,
v.
UNITED STATES OF AMERICA,
Respondent.

No. CR 11-112 SI
No. CV 12-3205 SI

**ORDER DENYING CERTIFICATE OF
APPEALABILITY**

On July 29, 2011, the Court sentenced petitioner pursuant to a plea agreement to a term of 151 months–120 months for violation of 18 U.S.C. § 922(g)(1), to be followed by a 31-month term for violation of 18 U.S.C. § 922(a)(1)(A). Docket Nos. 16, 18. On June 19, 2012, petitioner filed a *pro se* motion to vacate, set aside, or correct a sentence pursuant to 28 U.S.C. § 2255, alleging that his counsel was ineffective, and therefore his prison sentence was invalid. Docket No. 24. On August 1, 2013, the Court denied petitioner’s § 2255 motion, along with his request for an evidentiary hearing. Docket No. 35. On October 17, 2013, the Court denied petitioner’s motion for reconsideration. Docket No. 37.

On November 29, 2013, petitioner filed a request for a certificate of appealability.¹ Docket No. 39. A certificate of appealability will not issue because this is not a case in which “reasonable jurists would find the district court’s assessment of the constitutional claims debatable or wrong.”

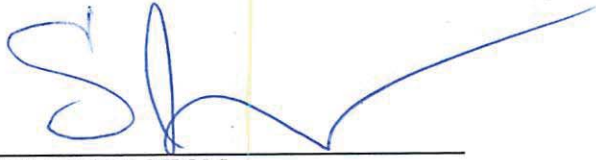
¹ Along with his request for a certificate of appealability, petitioner filed a motion for extension of time to file his request. Docket No. 40. For good cause shown, the Court GRANTS the motion for extension of time.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Slack v. McDaniel, 529 U.S. 473, 484 (2000). Accordingly, the Court DENIES petitioner's request for a certificate of appealability. This Order resolves Docket Nos. 39, 40.

IT IS SO ORDERED.

Dated: February 11, 2014



SUSAN ILLSTON
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

USA et al,

Plaintiff,

v.

YOHANNES TEKIE GEBREZGIE et al,

Defendant.

Case Number: CR11-00112 SI


CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on February 12, 2014, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Yohannes Tekie Gebrezgie
15253-111
ATWATER
U.S. PENITENTIARY
Inmate Mail/Parcels
P.O. BOX 019001
ATWATER, CA 95301
PRO SE

Dated: February 12, 2014


Richard W. Wieking, Clerk
By: Tracy Kasamoto, Deputy Clerk