

**UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT**

JOEL SOTO, Petitioner,	:	CIVIL ACTION NO. 3:13-CV-268 (JCH)
v.	:	
UNITED STATES OF AMERICA, Respondent.	:	APRIL 9, 2014

**RULING RE: PETITIONER’S MOTION FOR  
CERTIFICATE OF APPEALABILITY (Doc. No. 22)**

On February 5, 2014, this court denied petitioner Joel Soto’s Motion to Vacate, Set Aside, or Correct Sentence (Doc. No. 1). See Ruling (Doc. No. 21). Soto filed a Notice of Appeal (Doc. No. 22), which the court will construe as a Motion for Certificate of Appealability. See 28 U.S.C. § 2253(c)(1) (“Unless a circuit justice or judge issues a certificate of appealability, an appeal may not be taken to the court of appeals from . . . the final order in a proceeding under section 2255.”); Matthews v. United States, 682 F.3d 180, 185 (2d Cir. 2012) (“Notwithstanding § 2253(c)’s reference to a ‘circuit justice or judge’ as the potential issuer of a [certificate of appealability, a district judge too has authority to grant [such a certificate].”).

“A certificate of appealability may issue . . . only if the applicant has made a substantial showing of the denial of a constitutional right,” and the certificate must “indicate which specific issue or issues satisfy” the required showing. 28 U.S.C. §§ 2253(c)(2) & (3).

Upon reviewing Soto’s Motion to Vacate, Set Aside, or Correct Sentence and the court’s subsequent Ruling, the court concludes that petitioner has not shown that he was denied a constitutionally or federally protected right. Thus, any appeal from the

court's Ruling would not be taken in good faith and a certificate of appealability will not issue. Soto's Motion (Doc. No. 22) is **DENIED**.

Pursuant to the Federal Rules of Appellate Procedure, Soto may request a circuit judge to issue a certificate of appealability. Fed. R. App. P. 22(b)(1) ("If the district judge has denied the certificate, the [petitioner] may request a circuit judge to issue it.").

**SO ORDERED.**

Dated at New Haven, Connecticut this 9th day of April, 2014.

/s/ Janet C. Hall  
Janet C. Hall  
United States District Judge