

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

WILLIE LEE DANIELS,

Plaintiff,

v.

Case No: 8:17-cv-348-T-30TGW

UNITED STATES OF AMERICA,

Defendant.

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**ORDER**


THIS CAUSE comes before the Court on Movant's Motion Pursuant to Rule 60(b)(1) and Rule 59(e) (Doc. 9). In his Motion, Movant claims the Court erred when it concluded that *Mathis v. United States*, 136 S. Ct. 2243, 195 L. Ed. 2d 604 (2016) did not announce a new rule of law. Movant also requests a Certificate of Appealability (“COA”) as to his claim under *Mathis*.

The Court concludes the Motion should be denied. Movant’s argument that *Mathis* announced a new rule of law is wrong. *See In re Hernandez*, 857 F.3d 1162, 1164 (11th Cir. 2017) (“Moreover, *Mathis* does not provide an independent basis for his application [for a second or successive § 2255 motion], as the Supreme Court's holding in *Mathis* **did not announce a ‘new rule of constitutional law.’**”) (emphasis added). And, as the Court previously ruled (Doc. 7), Movant is not entitled to a COA because reasonable jurists would not disagree as to whether *Mathis* announced a new rule of law, especially in light of the Eleventh Circuit’s holding in *Hernandez*.

Accordingly, it is ORDERED AND ADJUDGED that:

1. Movant's Motion Pursuant to Rule 60(b)(1) and Rule 59(e) (Doc. 9) is DENIED.
2. Movant is not entitled to a COA on his § 2255 motion for the reasons stated in the Court's prior Order. (Doc. 7).

**DONE** and **ORDERED** in Tampa, Florida, this 17th day of August, 2017.

  
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JAMES S. MOODY, JR.  
UNITED STATES DISTRICT JUDGE

Copies furnished to:  
Counsel/Parties of Record