

United States District Court  
for the  
Southern District of Florida

Hervé Wilmore, Petitioner,	)	
	)	
v.	)	Civil Action No. 17-60278-Civ-Scola
	)	
United States of America,	)	
Respondent.	)	

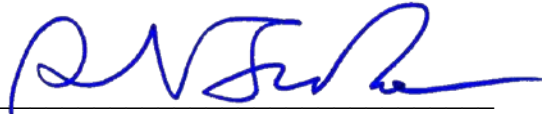
**Order Denying Motion For Certificate Of Appealability**

Hervé Wilmore recently filed his Notice of Appeal, which the Court has partially construed as a request for a certificate of appealability. (ECF No. 70.) The Notice purports to be appealing this Court’s “denial of his Rule 60(b) and Rule 59(e) motions.” (ECF No. 69.)

After a review of the record, the Court finds that Wilmore is not entitled to a certificate of appealability. A certificate of appealability may issue “only if the applicant has made a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). This standard is satisfied when “reasonable jurists could debate whether (or, for that matter, agree that) the petition should have been resolved in a different manner.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). Wilmore has not satisfied this standard. The Eleventh Circuit has already affirmed the dismissal of Wilmore’s § 2255 petition to vacate his sentence. (ECF No. 56.) Since that time, Wilmore has filed several motions for reconsideration under Rule 60(b) and Rule 59(e) (ECF Nos. 58, 59, 60, 65, 67). This Court denied all of them. (ECF Nos. 64, 66, 68.) None of these motions present issues that “reasonable jurists could debate.” *Slack*, 529 U.S. at 484; *see also Daniels v. United States*, 2017 WL 4250714, \*1 (11th Cir. Apr. 17, 2017) (“reasonable jurists would not debate the district court’s denial of [the petitioner’s] construed Rule 59(e) motion, and, thus, her motion for a certificate of appealability in that matter is also denied.”).

Consequently, this Court **denies** Willmore’s motion for Certificate of Appealability (**ECF No. 70**).

**Done and ordered**, in chambers at Miami, Florida, on October 10, 2019.




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Robert N. Scola, Jr.  
United States District Judge