

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 10-20256-CIV-COHN/WHITE
(07-20994-CR-COHN)

JORGE MUENTES,

Movant,

vs.

UNITED STATES OF AMERICA,

Respondent.

ORDER DENYING REQUEST FOR CERTIFICATE OF APPEALABILITY

THIS CAUSE is before the Court upon Movant Jorge Muentes's Request for Certificate of Appealability [DE 24]. The Court has carefully considered the Request and is otherwise advised in the premises.

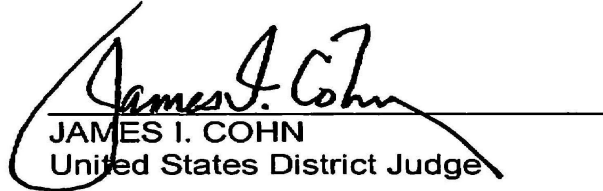
On January 31, 2011, this Court issued an Order [DE 22] overruling Mr. Muentes's objections [DE 21], adopting Magistrate Judge White's Report and Recommendation [DE 17], and denying Mr. Muentes's Motion to Vacate [DE 1]. On March 31, 2011, Mr. Muentes filed his Request for Certificate of Appealability. See DE 24.

A district court may only issue a certificate of appealability "if the applicant has made a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). The Court finds that Mr. Muentes has not made such a showing here. For this reason, the Court will deny the Request for Certificate of Appealability. The Court notes that pursuant to Rule 22(b)(1) of the Federal Rules of Appellate Procedure, Mr. Muentes may request issuance of a certificate of appealability from the Eleventh

Circuit. Fed. R. App. P. 22(b)(1). Accordingly, it is hereby

ORDERED AND ADJUDGED that Movant Jorge Muentes's Request for Certificate of Appealability [DE 24] is **DENIED**.

DONE AND ORDERED in Chambers at Fort Lauderdale, Broward County, Florida, this 31st day of March, 2011.


JAMES I. COHN
United States District Judge

Copies provided to:
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