



Twenty-one days passed between the time the limitations period expired and the filing of the instant motion. Therefore, it is time-barred.

Weaver requests equitable tolling on the basis that he did not know he could obtain relief under § 2255 and that he did not know there was a limitations period for filing the motion. The limitations period may be tolled only if a petitioner can show that (1) he has been diligently pursuing his rights and (2) an extraordinary circumstance stood in his way. Holland v. Florida, 560 U.S. 631, 649 (2010). Weaver has not shown that he diligently pursued his rights or that extraordinary circumstances prevented him from timely filing the motion. “Pro se status, lack of legal knowledge or legal resources, confusion about or miscalculations of the limitations period, or the failure to recognize the legal ramifications of actions taken in prior post-conviction proceedings are inadequate to warrant equitable tolling.” Shoemate v. Norris, 390 F.3d 595, 598 (8th Cir. 2004) (quotation marks omitted). As a result, he is not entitled to equitable tolling.

Finally, Weaver has failed to demonstrate that jurists of reason would find it debatable whether the motion is untimely. Thus, the Court will not issue a certificate of appealability. 28 U.S.C. § 2253(c).

Accordingly,

**IT IS HEREBY ORDERED** that this action is **DISMISSED** with prejudice.

An Order of Dismissal will be filed separately.

Dated this 23<sup>rd</sup> day of March, 2015.

  
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JOHN A. ROSS  
UNITED STATES DISTRICT JUDGE