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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

BILLY CEPERO,

v.

BRIAN WILLIAMS, et al.,

Respondents.

Case No. 2:14-cv-01396-MMD-GWF

ORDER

This Court dismissed Petitioner Billy Cepero's 28 U.S.C. § 2254 habeas corpus petition as untimely (ECF No. 32), and judgment was entered (ECF No. 33). Subsequently, the Court denied Petitioner's Federal Rule of Civil Procedure 60(b) motion for reconsideration (ECF No. 46).

The Court now considers whether to issue or deny a certificate of appealability ("COA"). See *Lynch v. Blodgett*, 999 F.2d 401, 403 (9th Cir. 1993) (certificate of probable cause to appeal necessary to appeal denial of post-judgment motion for relief under Rule 60(b)). Pursuant to 28 U.S.C. § 2253(c)(2), a COA may issue only when the petitioner "has made a substantial showing of the denial of a constitutional right." With respect to claims rejected on the merits, a petitioner "must demonstrate that reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000) (citing *Barefoot v. Estelle*, 463 U.S. 880, 893 & n.4 (1983)). For procedural rulings, a COA will issue only if reasonable jurists could debate (1) whether the petition states a valid claim of the denial of a constitutional right and (2) whether the court's procedural ruling was correct. *Id.*

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Having reviewed its determinations and rulings in denying Petitioner's motion for reconsideration, the Court finds that none of those rulings meets the *Slack* standard. The Court therefore declines to issue a COA.

This Court denies certificate of appealability as to Petitioner's motion for reconsideration.

DATED THIS 10th day of September 2019.



MIRANDA M. DU
CHIEF UNITED STATES DISTRICT JUDGE