

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-against-

CLYDEDORO GRAHAM,

Petitioner.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
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DATE FILED: 08/01/2022

No. 14 Cr. 500 (NSR) (01)

No. 19 Civ. 9629 (NSR)

ORDER

NELSON S. ROMÁN, United States District Judge:

On February 8, 2022, the Court issued an opinion and order denying *pro se* Petitioner Clydedoro Graham's motion to vacate his conviction on the basis of ineffective assistance of counsel under 28 U.S.C. § 2255. (ECF No. 213.) Specifically, the Court concluded that Petitioner failed to demonstrate entitlement to the relief sought because his allegations that his counsel's performance was deficient were conclusory and insufficient. (*Id.* at 3.) Thus, the Court denied Petitioner's § 2255 motion without holding an evidentiary hearing. (*Id.* at 4, 8.)

Accordingly, the Court concludes that Petitioner fails to make a substantial showing of the denial of a constitutional right, and as such, the Court will not issue a certificate of appealability. *See* 28 U.S.C. § 2253(c)(2); *Love v. McCray*, 413 F3d 192, 195 (2d Cir. 2005); *Lozada v. United States*, 107 F3d 1011, 1017 (2d Cir. 1997), *abrogated on other grounds by United States v. Perez*, 129 F3d 225, 259-60 (2d Cir. 1997). The Court certifies under 18 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 US 438, 444-45 (1962).

The Clerk of the Court is directed to mail a copy of this order to *pro se* Petitioner at his address on ECF and to show service on the docket.

Dated: August 1, 2022
White Plains, NY

SO ORDERED:



NELSON S. ROMÁN
United States District Judge