

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:13-cv-104-RJC**

GREGORY LEE SELLERS,)
)
 Petitioner,)
)
 v.)
)
)
REUBEN F. YOUNG,)
Secretary of Corrections,)
)
 Respondent.)
_____)

ORDER

THIS MATTER is before the Court on Petitioner’s motion to reconsider the denial of his habeas petition, filed pursuant to 28 U.S.C. § 2254, or in the alternate, for a certificate of appealability. (Doc. No. 11).

In its Order denying habeas relief, the Court examined Petitioner’s § 2254 motion in detail and considered the response filed by the Respondent. Following this review, the Court concluded that Petitioner’s § 2254 motion was clearly time-barred, and further, that Petitioner had failed to present a reasonable argument which might serve to equitably toll the statute of limitations. See (Doc. No. 9: Order at 4-5). In his motion to reconsider, the Petitioner again renews his argument that his delay in filing may be attributable to state counsel. However, this argument is again rejected. It is the petitioner’s obligation to diligently pursue his habeas remedies and Petitioner’s present arguments are simply unavailing as the facts he relies upon in support of habeas relief were or should have been known to him at the time he entered his guilty plea in January, 2008.

For the reasons stated in the Court’s July 9th Order, (Doc. No. 9), and based on the

reasons set forth herein, Petitioner's motion to reconsider is denied, as is his motion for a certificate of appealability.

IT IS, THEREFORE, ORDERED that:

1. Petitioner's motion for reconsideration is **DENIED**. (Doc. No. 11).
2. Pursuant to Rule 11(a) of the Rules Governing Section 2254 Cases, the Court declines to issue a certificate of appealability as Petitioner has not made a substantial showing of a denial of a constitutional right. 28 U.S.C. § 2253(c)(2); Miller-El v. Cockrell, 537 U.S. 322, 336-38 (2003) (in order to satisfy § 2253(c), 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. 474, 484 (2000) (holding that when relief is denied on procedural grounds, a petitioner must establish both that the correctness of the dispositive procedural ruling is debatable, and that the petition states a debatably valid claim of the denial of a constitutional right).

IT IS SO ORDERED.

Signed: October 7, 2013



Robert J. Conrad, Jr.
United States District Judge

