

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
5:13-CV-00035-RLV
(5:08-CR-00051-RLV-DCK-2)

MARCUS DWAYNE PARHAM,)
)
 Petitioner,)
)
 v.)
)
 UNITED STATES OF AMERICA,)
)
 Respondent.)
 _____)

ORDER

THIS MATTER is before the Court on consideration of Petitioner’s motion to reconsider the Court’s Order dismissing his Section 2255 motion as successive.

On July 10, 2013, the Court entered an Order finding that Petitioner, having already filed an unsuccessful § 2255 motion, had not demonstrated that he had obtained the necessary authorization from the Fourth Circuit to file a second, and therefore successive § 2255 motion. See 28 U.S.C. § 2255(h). (Doc. No. 11). The Court finds that for the reasons stated in the Court’s July 10th Order of dismissal the motion for reconsideration must be denied.

IT IS, THEREFORE, ORDERED that Petitioner’s motion for reconsideration is **DENIED**. (Doc. No. 11).

IT IS FURTHER ORDERED that pursuant to Rule 11(a) of the Rules Governing Section 2255 Cases, this 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) (stating that 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).

Signed: February 7, 2014

A handwritten signature in black ink, reading "Richard L. Voorhees". The signature is written in a cursive style with a horizontal line underneath the name.

Richard L. Voorhees
United States District Judge

