

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION  
5:13-CV-00132-RLV  
(5:97-CR-00001-RLV-1)

SEAN LAMONT DUDLEY, )  
 )  
 Petitioner, )  
 )  
 v. )  
 )  
 UNITED STATES OF AMERICA, )  
 )  
 Respondent. )  
 \_\_\_\_\_ )

**ORDER**

**THIS MATTER** is before the Court on consideration of Petitioner’s motion to reconsider its Order construing Petitioner’s Rule 60(b) motion as an unauthorized, successive motion under 28 U.S.C. § 2255. (Doc. No. 5: Motion to Reconsider; Doc. No. 3: Order on Dismissal). For the reasons stated in the Court’s October 9, 2013, Order on Dismissal, (Doc. No. 5), the Court finds that Petitioner’s motion to reconsider must be denied.

**IT IS, THEREFORE, ORDERED** that Petitioner’s motion to reconsider is **DENIED**. (Doc. No. 5).

**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: November 12, 2013

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

Richard L. Voorhees  
United States District Judge

