

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF PUERTO RICO  
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FELIX ALBERTO CASTRO-DAVIS,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

Civil No. 13-1662 (JAF)

(Crim. No. 07-186-1)

5  
6 **MEMORANDUM OPINION**

7 On April 28, 2014, Felix Alberto Castro-Davis (“Castro-Davis”) filed a motion for  
8 certificate of appealability. He contests our dismissal of his motion to vacate, set aside, or  
9 correct his sentence under 28 U.S.C. § 2255. (Docket No. 17.)

10 On March 18, 2014, we issued an opinion and order denying nearly all the claims  
11 that Castro-Davis alleged in his 2255 motion. (Docket No. 7.) On April 23 and April 24,  
12 2014, we held an evidentiary hearing regarding Castro-Davis’ contention that he received  
13 ineffective assistance of counsel during plea discussions. (Docket Nos. 13, 14.) On  
14 April 25, 2014, we issued a supplemental opinion, denying his final claim. We found  
15 that Castro-Davis’ claims had no credible basis on the developed record and we  
16 dismissed the case in its entirety. (Docket Nos. 15, 16.)

17 In accordance with Rule 11 of the Rules Governing § 2255 Proceedings, when we  
18 issued this denial of § 2255 relief, we concurrently determined whether to issue a  
19 certificate of appealability (“COA”). We grant a COA only upon “a substantial showing  
20 of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). To make this showing,  
21 “[t]he petitioner must demonstrate that reasonable jurists would find the district court’s  
22 assessment of the constitutional claims debatable or wrong.” Miller-El v. Cockrell, 537

1 U.S. 322, 338 (2003) (quoting Slack v. McDaniel, 529 U.S. 473, 484 (2000)). At the  
2 time, we saw no way in which a reasonable jurist could find our assessment of Castro-  
3 Davis' constitutional claims debatable or wrong. (Docket No. 15.)

4 We still find no way in which a reasonable jurist could find our assessment  
5 incorrect, and we deny Castro-Davis a certificate of appealability.

6 **V.**

7 **Conclusion**

8 For the foregoing reasons, we hereby **DENY** Petitioner's motion for a certificate  
9 of appealability (Docket No. 1).

10 **IT IS SO ORDERED.**

11 San Juan, Puerto Rico, this 5th day of May, 2014.

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S/José Antonio Fusté  
JOSE ANTONIO FUSTE  
U. S. DISTRICT JUDGE